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WARRANT FOR ANNUAL TOWN ELECTION APRIL 1, 1997

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Building Gymnasium
Precinct 2.	Harrington Elementary School Gymnasium
Precinct 3.	Harrington Elementary School Gymnasium
Precinct 4.	Westland School Cafetorium
Precinct 5.	Byam School Cafetorium
Precinct 6.	Westland School Cafetorium
Precinct 7.	McCarthy Middle School, Small Gymnasium
Precinct 8.	McCarthy Middle School, Small Gymnasium
Precinct 9.	Town Office Building Gymnasium

On Tuesday, the 1st day of April, 1997 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

Two Selectmen for three years;

One School Committee Member for three years;

Two Library Trustees for three years;

One Board of Health Member for three years;

Three Planning Board Members for three years;

One Planning Board Member for an unexpired one year term;

One Sewer Commissioner for three years;

One Housing Authority Member for five years;

One Cemetery Commissioner for three years;

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9

One Representative Town Meeting Member for an unexpired one year term in Precinct 6

One Representative Town Meeting Member for an unexpired two year term in Precinct 8

One Representative Town Meeting Member for an unexpired one year term in Precinct 8

One Representative Town Meeting Member for an unexpired two year term in Precinct 9

One Representative Town Meeting Member for an unexpired one year term in Precinct 9

; and to meet in the Senior Center, Groton Road, North Chelmsford, on Monday, the twenty-eighth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

Article 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate such sums of money as may be required to defray Town charges for the fiscal period July 1, 1997 to June 30, 1998; or act in relation thereto.

Town Manager

Article 3. To see if the Town will vote to transfer a certain sum of money from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 1998; or act in relation thereto.

Town Manager
Conservation Commission

Article 4. To see if the Town will vote to transfer a certain sum of money from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1998 Budget; or act in relation thereto.

Town Manager
Sewer Commission

Article 5. To see if the Town will vote to transfer a certain sum of money from Sewer Rate Relief Funds, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1998 Budget; or act in relation thereto.

Town Manager
Sewer Commission

Article 6. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Department	Project	Expenditure
Cemetery	Cemetery Truck	30,000
Fire	Roof Repair	23,000
	Compressor	35,000
	S. Station Generator	18,000
	Engine Refurbishment	10,000
Police	Cruiser Replacement	130,000
DPW	Fuel Tanks	65,000
	Highway Garage Roof	20,000
	Dump Truck/Sander	70,000
	Park Tractor	17,000
	Park Truck	25,000
Schools	C.H.S. HVAC Upgrade	36,000
	Microscopes	31,000
	McCarthy Floors	40,000
	Parker Lockers	40,000
	Parker Generator	35,000
	Academic Tech.	563,800
	Admin. Tech.	100,000
	TOTAL	1,288,800

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations; or act in relation thereto.

Board of Selectmen
Town Manger
Capital Planning Committee

Article 7. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

Town Manager
Finance Committee

Article 8. To see if the Town will vote to transfer a certain sum of money from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund; or act in relation thereto.

Cemetery Commission

Article 9. To see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, a certain sum of money to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford; or act in relation thereto.

Town Manager

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds, a certain sum of money for the purpose of funding the sand lease approved by the Town under Article 12 of the 1989 Annual Town Meeting; or act in relation thereto.

Town Manager

Article 11. To see if the Town will transfer the care, custody, management and control of the property known as the Forefathers Burying Ground from the Cemetery Commission for cemetery purposes to the Cemetery Commission for Cemetery purposes and for the purpose of granting a preservation restriction to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission (the "MHC"), and to authorize the Cemetery Commission to grant such preservation restriction to the MHC, for a duration not to exceed five years, by which the Town will covenant to maintain the property in a manner satisfactory to the MHC and not alter the property unless the MHC determines that alteration will not impair the characteristics which contribute to historical integrity of the property, or take any action relative thereto.

Cemetery Commission

Article 12. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money for the purpose of providing Senior Citizen Real Estate Tax Payment Vouchers for services rendered, pursuant to an agreement formulated by the Council on Aging and approved by the Town Manager; or act in relation thereto.

Town Manager
Council on Aging

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

Town Manager

Article 14. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easement in Chelmsford, Massachusetts Phase IIIB Sewers dated December, 1996 prepared for the Chelmsford Sewer Commission by Richard F. Kaminshi & Associates, Inc.", a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise and appropriate, transfer from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

Sewer Commission

Article 15. To see if the Town will vote to amend the General Bylaws, Town of Chelmsford, Article V. Streets and Sidewalks, Section 6. Inspector, by inserting the following language into the General Bylaws at the end of Section 6.6 (changes are in bold):

Section 6 Inspector

6.6 The fee and incidental expenses of the inspector shall be borne by the permittee and payable, by check or money order, to the Town of Chelmsford. **These fees and those included in Section 1.7 shall be deposited in a revolving fund maintained for the purpose of paying the expenses relative to inspections.**

; or act in relation thereto.

Town Manager

Article 16. To see if the Town will vote to authorize a revolving fund under Massachusetts General Law C. 44, S. 53E ½ for the Department of Public Works for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees and incidental expenses from the full time inspector assigned to each trench opening or excavation site as assigned by the Highway Superintendent. The Public Works Department shall be authorized to spend money from the fund for the purpose of paying the expenses relative to inspections necessary for implementing the full time trench opening or excavation inspection program. Expenditures from the trench opening or excavation inspection program shall be limited to a certain sum during Fiscal Year 1998; or act in relation thereto.

DPW Director

Article 17. To see if the Town will vote to amend the General Bylaws, Town of Chelmsford, Article V. Streets and Sidewalks, Section 8. Construction Standards, by deleting the following phrase from Subsection 8.13. Restoration of Permanent Paving, "Street openings shall be maintained by the Permittee for a period of two (2) years from the date of completion." and substituting therefore the following phrase:

> "Street openings shall be maintained by the Permittee for a period of five (5) years from the date of completion."

; or act in relation thereto.

Town Manager

Article 18. To see if the Town will transfer the care, custody, management and control of the property known as the North Town Hall from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the purpose of granting a preservation restriction, and to authorize the Board of Selectmen to grant such preservation restriction to any governmental or non-profit entity whose purpose is historic preservation, by which the Town will covenant to maintain the property in a manner satisfactory to the grantee and not alter the property unless the grantee determines that alteration will not impair the characteristics which contribute to the historical integrity of the property, or take any action relative thereto.

Board of Selectmen

Article 19. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Meadowcrest Lane
Technology Drive
Fisher Road
Empire Street

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

Board of Selectmen

Article 20. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II. *District Regulations*, Section 2110. *Official zoning map* as it pertains to a 1.52 acre lot, with residence known as 10 Worthen Street, Chelmsford, Massachusetts, fronting on the west side of Worthen Street, running north from Westford Street, more fully described in Plan Book 94, Page 419 recorded with the Middlesex North Registry of Deeds, by changing the designation of said lot from RB (Residential) to RM (Residential Multifamily.)

Petition

Article 21. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article IV. *Special Regulations.* by adding the following proposed zoning by-law after Section 4800 of the Town of Chelmsford Zoning By-law:

Sec. 4900 Wireless communication facilities.

4910. Purpose. The purpose of these regulations include: establishing siting criteria and standards for communication towers and facilities; minimizing the adverse visual impacts of wireless communications facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; minimizing the overall number and height of such facilities to only what is essential; and promoting shared use of existing facilities to reduce the need for new facilities. The by-law is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town, and to accommodate the need for the minimum number of such facilities within the Town. This section shall not apply to satellite dishes and antennas for residential use which are regulated under Section 4193. For the purposes of this section, "wireless communications facilities" shall include monopoles, satellite dish(es) over three (3) feet in diameter, antennas, and accessory structures which facilitate the provision of wireless communication service. "Wireless communication services" shall mean the provision of cellular telephone service, personal communication service and enhanced mobile radio service.

4920. General Requirements

(a) No wireless communications facility shall be erected or installed except in compliance with the provisions of this Section. In all cases, a Special Permit is required from the Board of Appeals (the "Board"). Any proposed extension in the height; addition of cells, antenna or panels; or construction of a new or replacement facility shall be subject to a new application for a Special Permit. Attachment of cells, antenna or panels to existing suitable structures shall be subject to application for a Special Permit.

(b) Only freestanding monopoles, with associated antenna and/or panels, are allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed. Monopoles shall be set back from the property line a distance at least equal to the height of the monopoles.

(c) Erection of new monopoles shall be allowed in any Commercial District, Industrial District or Public District, per the Use Regulations Schedule, Section 2300 of this Bylaw, and shall be located within five hundred (500) feet of a limited access highway as defined by State and Federal standards. No new monopoles shall be erected within five hundred (500) feet of an existing residential structure or within two (2) miles of another existing or approved monopole.

(d) Structures shall be removed within one (1) year of cessation of use. If applicable, proof of continued compliance with the standards of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), the American National Standards Institute (ANSI), State building code, and required maintenance shall be filed with the Building Inspector by the Special Permit holder on an annual basis or as deemed necessary by the Building Inspector.

(e) No more than one monopole shall be located on a lot.

4930. Application Process. All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the applicable application form in compliance with the Rules and Regulations of the Chelmsford Board of Appeals. In addition to the minimum requirements of the Board of Appeals, applicants under this section shall include the following:

(a) A locus plan which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings, and all buildings within five-hundred (500) feet of the facility.

(b) A color photograph or rendition of the proposed monopole with its antenna and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.

(c) The following information prepared by one or more professional engineers:

- a description of the monopole and the technical, economic and other reasons for the proposed location, height and design.
- confirmation that the monopole complies with all applicable Federal and State standards.
- a description of the capacity of the monopole including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

(d) If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4940. Design Guidelines. The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities:

(a) All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. The setback of a monopole from the property line of the lot on which it is located shall be at least equal to the height of the monopole.

(1) No monopole, or attached accessory antenna on a monopole, shall exceed one hundred twenty (120) feet in height as measured from ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.

(2) Antennas or dishes located on nonresidential buildings shall not exceed ten (10) feet in height above the roof-line of the structure.

(b) All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. No monopole shall be visible from any location within the Historic District. All monopoles and dishes shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located and existing on-site vegetation shall be preserved to the maximum extent possible.

(c) Satellite dishes and/or antennas shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets.

(d) Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

(e) Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the character of the Town and shall not be of razor wire.

(f) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with Section 3300 of the Chelmsford Zoning Bylaw, Signs and Outdoor Lighting.

(g) Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

(h) There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment. Traffic associated with any wireless communication facility shall not adversely affect abutting ways.

4950. Special Permit Review.

(a) Applications for Special Permits shall be approved or approved with conditions if the petitioner can fulfill the requirements of these regulations to the satisfaction of the Board.

(b) Applications for Special Permits may be denied if the petitioner cannot fulfill or address the requirements of these regulations to the satisfaction of the Board.

(c) When considering an application for a wireless communication facility, the Board shall place great emphasis on the proximity of the facility to residential neighborhoods and its impact on these residences. New facilities shall only be considered after a finding that existing (or previously approved) facilities cannot accommodate the proposed use(s).

(d) When considering an application for an antenna or dish proposed to be placed on a structure, the Board shall place great emphasis on the visual impact of the unit from the abutting neighborhoods and street(s).

; and amend the Zoning Bylaw, Town of Chelmsford, Section 2300 **Use regulations schedule.** by adding a new category under industrial uses entitled "Wireless communication facilities" as shown below (changes are in bold):

Industrial Uses (see sec. 4500 for Major Business Complexes)

	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Earth removal (see sec. 4200)	O	O	O	O	O	O	O	O	BA	BA	O	O	O	O
Light industry														
Pedestrian and vehicular access and egress by private way to and from uses permitted in a IA district	O	O	O	O	O	O	O	O	P	P	O	O	O	O
Warehouse and open storage	O	O	O	O	O	PB	O	O	P	O	O	O	O	O
Junk yard	O	O	O	O	O	O	O	O	BA	P	O	P	O	O
Contractor's yard	O	O	O	O	O	BA	O	O	O	P	O	O	O	O
Granite operations	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Public utility or public works	O	O	O	O	O	BA	O	O	P	P	O	P	BA	O
storage yard or repair shop	O	O	O	O	O	BA	O	O	P	P	O	P	BA	O
Research, experimental and testing lab	O	O	O	O	O	O	O	O	P	O	O	O	O	O
Solid waste disposal facility	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Sanitary landfill	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Refuse incinerator	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Transport terminal	O	O	O	O	O	O	O	O	O	P	O	O	O	O
Wireless communication facilities (see Sec. 4900)	**O**	**O**	**O**	**O**	**BA**	**BA**	**BA**	**BA**	**BA**	**BA**	**O**	**BA**	**BA**	**O**

; or to act in relation thereto.

Land Use Coordinator

Article 22. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article V. *Definitions*, definition of "lot area" in order to change the requirements for contiguous dry land area, by deleting "eighty (80)" where it appears and replacing it with "ninety (90)" to read as follows (changes are in bold):

> *Lot area:* The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least **ninety (90)** percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L., as amended.

; or act in relation thereto.

Planning Board

Article 23. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, by substituting the term "net floor area" for the term "gross floor area" wherever it now appears in Section 3100 of the Zoning Bylaw, and by adding the following definition of "net floor area" to Article V. *Definitions*:

> *Net floor area*: the aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot, measured from the exterior faces of the walls enclosing each building; and exclusive of the cellars and attic areas used only for storage, bathrooms, stairwells, elevators, mechanical rooms, or areas for service incidental to the operation or maintenance of the building.

; or act in relation thereto.

Planning Board

Article 24. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, *District Regulations*, Section 2220 *Uses not listed*, in order to make any use not listed prohibited, by deleting the entire section as follows:

> 2220. *Uses not listed.* If a particular use is not specifically included in the use regulations schedule, then the board of appeals may determine whether in the district in which an unlisted use is proposed, uses having similar externally observable attributes are or may be permitted, and if so, the board of appeals may authorize such use or uses as a special permit for exception under section 1500.

and, replacing it with the following new Section 2220. *Uses not listed.* (changes in bold):

> 2220. *Uses not listed.* **All uses which are not listed in Section 2300, Use Regulations Schedule, are prohibited**.

; or act in relation thereto.

Planning Board

Article 25. To see if the Town will vote to amend the Town of Chelmsford Zoning By-Law, Article III. *General Regulations*, Section 3334 by inserting the following language into the Zoning By-Law at the end of Section 3334:

(a) Lighted Window Signs. With the exception of businesses within the Historic District, each business shall be allowed one (1) lighted window sign. Lighted window signs shall include all types of internally illuminated signs, including neon signs. Lighted window signs shall conform to the following standards:

(1) Lighted window signs shall not exceed five (5) square feet in area or cover more that 20% of the window in which it is erected, whichever is less, and shall only be allowed in ground floor windows.
(2) Lighted window signs shall not be illuminated longer than thirty (30) minutes before opening or thirty (30) minutes after closing of the business.
(3) Lighted window signs shall not incorporate or be lighted by flashing or blinking lights, or by lights changing in intensity.
(4) Lighted window signs shall not contain more than three (3) different colors.
(5) Lighted window signs which are illuminated by a neon light source shall be composed of primarily single strand glass tubing with a maximum outside diameter of one (1) inch.
(6) Any lighted sign within three (3) feet of a window shall be considered to be a window sign and shall comply with all requirements of the Zoning Bylaw.
(7) Lighted window signs shall conform to all other regulations in Section 3300.

; or to act in relation thereto.

Town Manager
Sign Advisory Committee

Article 26. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article III. *General Regulations*, Section 3371. Membership [items]. in order to change the requirements for membership on the Sign Advisory Committee, by deleting the following:

> *3371. Membership [items]* A sign advisory committee of five (5) members shall be appointed by the selectmen for three-year terms (except so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Chelmsford, and one (1) registered architect or landscape architect, and one (1) professional in visual design. In addition a member of the board of appeals shall be designated by the board as a nonvoting sixth member of the sign advisory committee.

and substituting therefore the following (changes are in bold):

> *3371. Membership [items]* A sign advisory committee of five (5) members shall be appointed by the selectmen for three-year terms (except so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Chelmsford, and **two (2) others, preferably with a strong interest in architecture, landscape architecture or visual design**. In addition a member of the board of appeals shall be designated by the board as a nonvoting sixth member of the sign advisory committee.

; or act in relation thereto.

Town Manager
Sign Advisory Committee

Article 27. To see if the Town will vote to amend the Chelmsford Home Rule Charter under Section 2-13, Referendum Procedures, by deleting the existing section as follows:

Section 2-13 *Referendum Procedures*

(a) *Effective Date of Final Votes*

No final affirmative vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of ten days from the dissolution of the town meeting. If a referendum petition is not filed within the said ten days, the vote of the town meeting shall become operative.

(b) *Referendum Petition*

If, within said ten days a petition signed by not less than five percent of the voters containing their names and addresses is filed with the board of selectmen requesting that any question, not yet operative as defined in (a) above, be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within fourteen days after the filing of such a petition, call a special election that shall be held within twenty days after issuing the call, for the purpose of presenting to the voters any such question. If, however, a regular or special election is to be held not more than thirty days following the date the petition is filed, the board of selectmen may provide that any such questions be presented to the voters at the same election.

(c) *Referendum Election*

All votes upon the question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating the elections, unless otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least ten percent of the voters vote on the question.

(d) *Format of Questions*

Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.

and, replacing it with the following new Section 2-13, Referendum Procedures (changes in bold);

Section 2-13 *Referendum Procedures*

(a) *Effective Date of Final Votes*

No final affirmative vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of **seven** days, **exclusive of Sundays and holidays,** from the dissolution of the town meeting. If a referendum petition is not filed within the said **seven** days, the vote of the town meeting shall become operative.

(b) *Referendum Petition*

If, within said **seven** days a petition signed by not less than **three** percent of the **registered** voters **of the town,** containing their names and addresses **as they appear on the list of registered voters,** is filed with the board of selectmen requesting that any question, not yet operative as defined in (a) above, be submitted to the voters **of the town at large**, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within **five** days after the filing of such a petition, call a special election **in accordance with state election laws**, for the purpose of presenting to the voters **at large the** question **or questions so involved**. If, however, a regular or special election is to be held not more than thirty days following the date the petition is filed, the board of selectmen may provide that any such questions be presented to the voters at the same election.

(c) *Referendum Election*

The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon the question **or questions** so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of **state** law relating **to** elections. **The** questions so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the **representative** town meeting shall be reversed unless at least **twenty** percent of the **registered** voters **shall so** vote.

(d) *Format of Questions*

Each question so submitted shall be **in the form of the following question which shall be placed upon** the **official** ballot: **-- "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote and by what vote thereon if such vote was tabulated) ?"**

or act in relation thereto.

Town Manager

Article 28. To see if the Town will vote to amend the General Bylaws, Town of Chelmsford, Article II, Town Meeting, Section 4 Procedures, in order to change the procedure for counting votes during town meeting by leaving the calling for a vote to the discretion of the town moderator, in addition, seven or more members of town meeting would retain the power to force a count on such a vote, by inserting the following language into the General Bylaws, Town of Chelmsford, Article II, Town Meeting, Section 4 Procedures, at the end of Section 4 (changes are in bold):

> Section 4.13 Voting - Voice votes will not be used. All votes will be taken by a raising of hands. The Moderator will visually judge the vote and, if in doubt, will ask for a specific count. **In matters requiring a two thirds vote by statute, the moderator may declare the vote based upon raising of hands. If seven or more members of town meeting question the vote, the moderator shall count the vote.**

; or act in relation thereto.

Town Moderator

Article 29. To see if the Town will vote to amend the General Bylaws, Town of Chelmsford, Article VI, Police Regulations, in order to establish rules for the regulation of newsracks by adding the following at the end of Article VI, Police Regulations:

Section 24 Regulation of Newsracks Within the Public Way

For the purposes of this section, **newsracks** shall mean a vending machine used for the sale and/or distribution of newspapers or similar printed material. It is not the intent of the section to prohibit or interfere with the dissemination of information protected under the United States of State constitutions, but simply to ensure that the location of newsracks protects the public safety of the Town of Chelmsford. The location of newsracks within a public way shall conform to the following regulations:

(a) No newsrack shall be located within one hundred (100) feet of any school bus stop;
(b) No newsrack shall be located within ten (10) feet of any fire hydrant, fire or police alarm box or other emergency facility;
(c) No newsrack shall be located in such a manner to obstruct the clear movement of pedestrians on a sidewalk;
(d) No newsrack shall be located on a public way on which parking is prohibited;
(e) Failure to comply within thirty (30) days of notification shall be subject to a fine of fifty dollars ($50) for each offense. Each day that such offense persists shall constitute a separate offense. This bylaw may be enforced by any police officer through the noncriminal disposition procedures of Article 1, Section 2 of the Town of Chelmsford General By-laws.

; or act in relation thereto.

Petition

Article 30. To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement, and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; or to take any action relative thereto.

Sewer Commission
Town Manager

Article 31. To see if the Town will vote to transfer the care, custody, management, and control of the following described parcel of land and easement to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Laws, Chapter 30B, for consideration to be determined, all right, title and interest, if any, held by the Town in a portion of a certain parcel of land located adjacent to 20 Jensen Avenue in Chelmsford, Massachusetts, shown as Assessor's Map No. 95, Parcel No. 94, containing approximately 225 square feet more of less, and an access easement on a portion of the same certain parcel of land containing approximately 2,109 square feet more or less, as more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2328, page 249, and to authorize the Board of Selectmen to file a Home Rule Petition under Article 97 of the Massachusetts Constitution, if necessary; or act in relation thereto.

Board of Selectmen
Conservation Commission

Article 32. To see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent water rights, or any easement or property in fee simple, by purchase, eminent domain, or otherwise, relating to the property located in the Town of Chelmsford, Massachusetts, known as Freeman Lake, for the purpose of constructing and maintaining improvements to the Freeman Lake spillway and dam and controlling the level of water in Freeman Lake; and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said water rights, easements and/or property and for paying any damages which may be awarded as a result of any such taking; or act in relation thereto.

Town Manager
DPW Director

Article 33. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to a certain sum during Fiscal Year 1998; or act in relation thereto.

Council on Aging

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 12th day of March, 1997.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Peter V. Lawlor , Chairman

Susan J. Gates , Vice Chairman

Stuart G. Weisfeldt, Clerk

William F. Dalton

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 28, 1997:

Thursday, May 1, 1997 at 7:30 p.m.

Monday, May 5, 1997 at 7:30 p.m.

Thursday, May 8, 1997 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-Laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 19th, 1997

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westland School Cafetorium, Byam School Cafetorium, Westland School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gymnasium, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

TOWN OF CHELMSFORD
COMMONWEALTH OF MASSACHUSETTS

Middlesex Date April 3, 1997

In the name of the Commonwealth aforesaid, I am notifying the legal voters of said Chelmsford that:

THE ANNUAL TOWN ELECTION OF APRIL 1st WHICH WAS SUSPENDED AND POSTPONED PER THE GOVERNOR'S DECLARED STATE OF EMERGENCY PER SECRETARY OF STATE WILLIAM GALVIN WILL BE HELD ON THE FOLLOWING DATE AND TIME:

FRIDAY APRIL 11, 1997. THE POLLS WILL BE OPEN FROM 7AM TO 8PM

Further they are instructed to meet in their several polling places:

Precinct 1 Town Office Building Gymnasium

Precinct 2 Harrington Elementary Gymnasium

Precinct 3 Harrington Elementary Gymnasium

Precinct 4 Westland School Cafetorium

Precinct 5 Byam School Cafetorium

Precinct 6 Westland School Cafetorium

Precinct 7 McCarthy Middle School, Small Gymnasium

Precinct 8 McCarthy Middle School, Small Gymnasium

Precinct 9 Town Office Building Gymnasium

This is to certify that I have notified and warned the inhabitants of the Town of Chelmsford by posting of the attached **SUPERIOR COURT ORDER # 97-1730** at the following places, to wit:

Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westland School Cafetorium, Byam School Cafetorium, Westland School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, and Town Office Building Gym, and Town Office Building Lobby.

Signed William E. Spence

William E. Spence,

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
NO. 97-1730

WILLIAM FRANCIS GALVIN, as he is SECRETARY OF THE COMMONWEALTH,

Plaintiff,

v.

THE TOWNS OF ACTON, CHELMSFORD, HOLBROOK, MATTAPOISETT, WEST BOYLSTON, and WAREHAM,

Defendants.

RECEIVED
97 APR -3 AM 10: 14
TOWN CLERK

ORDER

The Court, based on the Secretary's Verified Complaint and the representations of the parties, including specifically those referred to in paragraph (b) below, finds that (1) an actual controversy has arisen between the parties regarding the defendant Town of Chelmsford's election officials' authority and duty to hold rescheduled elections and the manner in which to do so: and (2) injunctive relief is necessary in order to prevent irreparable harm, including infringement on the voting rights of voters in the defendant Town, disruption of local governmental processes, and waste of municipal resources. The Court therefore directs that judgment enter declaring and ordering as follows:

a. The Town of Chelmsford shall hold rescheduled local elections on April 11, 1997, and shall publicize the rescheduled elections ~~in the same manner as the original elections~~ through posting the Order and through whatever other reasonable means are likely to enable

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eligible voters to learn about the rescheduled elections in time to cast ballots therein;

b. Election materials originally prepared for the April 1 elections, and bearing that date, shall be used for the rescheduled elections to the extent practicable, except that the ballots for precinct 8 shall be reprinted so as to include the name of Deborah Villano of 10 Gregory Road as a candidate for Town Meeting Member, the parties having informed the Court that her name was inadvertently omitted from those ballots as originally printed;

c. Voter checklists prepared for and used at the April 1 elections shall be used at the rescheduled elections so as to ensure that persons who were able to cast ballots in the April 1 elections are not permitted to vote at the rescheduled elections. except as provided herein. Local election officials shall, by notations or the use of different marking techniques on the checklists, ensure that such lists reflect whether each voter cast a ballot for the April 1 election or the rescheduled election. Ballots already cast for the April 1 elections shall be counted in the tally of the rescheduled elections as if cast therein, except that due to the omission noted in paragraph (b) above, no ballots already cast in precinct 8 shall be counted, and local election officials shall take all reasonable steps to inform each of the persons casting such ballots that they are eligible to vote at the rescheduled election;

d. Voters who did not cast ballots for the April 1 election but who will be unable to vote in person in the rescheduled election, shall, to the extent otherwise consistent with state statutes governing absentee ballots, be permitted to apply for and vote using absentee ballots in the rescheduled elections. The obligations of local election officials shall include accepting completed applications for such ballots until noon on the day before the rescheduled election. G.L. c. 54, § 89, ¶ 2; G.L. c. 54, § 103A;

e. Voters who did not register to vote in time for the April 1 election under G.L. c. 51, § 26, but who may have registered not later than twenty days before the date of the rescheduled election, see id., shall be permitted to vote at the rescheduled election with their ballots held in escrow under the provisions G.L. c. 51, § 59A.

Robert A. Mulligan

Robert A. Mulligan
Chief Justice of the Superior Court

Date: April 2, 1997

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On behalf of the Town of Chelmsford, I assent to the entry of the foregoing order, and due to the need for a prompt resolution of this matter I waive any defect in venue that may arise from the filing of this action in Suffolk County rather than the county in which the Town is located.

(Name:) [illegible]
(Title:) Kopelman and Paige, P.C.
(Address:) Town Counsel
31 St. James Avenue
Boston, MA 02116
(Telephone:) (617) 556-0007

Date: April 2, 1997

04-03-1997 10:48 7423238 SEC OF COMMONWEALTH P.04

WARRANT FOR SPECIAL
TOWN MEETING APRIL 28, 1997

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the twenty-eighth of April, at 7:45 p.m. o'clock in the evening then and there to act upon the following articles, VIZ:

Article 1. To see if the Town will raise and appropriate, or transfer and appropriate from available funds, a certain sum of money to be added to the appropriation under Line Item 5, Public Safety Personnel Services under Article 2 of the 1997 Annual Town Meeting; or act in relation thereto.

TOWN MANAGER

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 7th day of April, 1997.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Peter V. Lawlor , Chairman

Susan J. Gates , Vice Chairman

Stuart G. Weisfeldt, Clerk

William F. Dalton

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. April 11, 1997

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gymnasium, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

TOWN ELECTION APRIL 11, 1997

*Candidate for Re-election

ORIGINAL ELECTION DATE APRIL 1ST, SUSPENDED DUE TO BLIZZARD BY SEC. OF STATE

Prec. 5 figures adjusted 4/25/97 (2 Escrow Ballots Cast)

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
SELECTMAN 3 Year Terms (2)										
Blanks	279	296	284	251	318	259	251	218	219	2375
Philip M. Eliopoulos	437	259	364	325	482	494	469	384	439	3653
William F. Dalton*	500	518	531	365	410	499	463	416	385	4087
Matthew P. St. Hilaire	260	214	315	300	246	443	310	255	258	2601
Write-in	0	1	0	1	0	1	6	0	5	14
Misc	0	0	0	0	0	2	1	5	0	8
TOTAL	1476	1288	1494	1242	1456	1698	1500	1278	1306	12738
SCHOOL COMMITTEE 3 Year Terms (2)										
Blanks	31	38	31	22	29	23	24	22	33	253
Anthony V. Volpe*	396	367	378	361	378	401	300	263	353	3197
William C. Curry	309	239	338	237	321	422	422	349	266	2903
Write-In	2	0	0	0	0	2	3	0	1	8
Misc	0	0	0	1	0	1	1	5	0	8
TOTAL	738	644	747	621	728	849	750	639	653	6369
LIBRARY TRUSTEE 3 Year Terms (2)										
Blanks	605	555	631	503	600	692	592	530	569	5277
Stephen J. Mallette	399	291	360	337	387	459	423	340	332	3328
Jaclyn D. Matzkin*	469	437	500	397	465	545	480	387	404	4084
Write-In	3	4	3	4	4	0	4	3	1	26
Misc	0	1	0	1	0	2	1	18	0	23
TOTAL	1476	1288	1494	1242	1456	1698	1500	1278	1306	12738
BOARD OF HEALTH 3 Year Term (1)										
Blanks	224	201	231	206	245	242	246	206	239	2040
Douglas E. Hausler	510	440	513	412	480	604	502	426	413	4300
Write-In	3	2	3	2	1	2	1	2	0	16
Misc	1	1	0	1	2	1	1	5	1	13
TOTAL	738	644	747	621	728	849	750	639	653	6369
PLANNING BOARD 3 Year Terms (3)										
Blanks	675	547	635	568	643	680	658	484	587	5477
Christopher T. Garrahan	348	274	409	282	342	419	378	352	325	3129
James P. Good*	444	369	413	372	447	515	418	382	394	3754
Tracey Wallace Cody*	352	399	394	316	362	464	402	350	323	3362
Kim J. MacKenzie*	395	339	389	321	384	467	392	334	326	3347
Write-In	0	3	1	3	6	0	1	0	4	18
Misc	0	1	0	1	0	2	1	15	0	20
TOTAL	2214	1932	2241	1863	2184	2547	2250	1917	1959	19107

TOWN ELECTION APRIL 11, 1997

*Candidate for Re-election

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
PLANNING BOARD 1 Yr Unexp Term (1)										
Blank	244	193	242	214	280	267	265	221	250	2176
Susan E. Carter	492	447	504	406	447	579	484	411	401	4171
Write-in	1	2	0	0	0	1	0	1	0	5
Misc	1	2	1	1	1	2	1	6	2	17
TOTAL	738	644	747	621	728	849	750	639	653	6369
SEWER COMMISSION 3 Year Term(1)										
Blank	218	175	182	182	227	229	223	197	239	1872
George Abely*	518	467	565	437	499	615	526	430	413	4470
Write-in	2	0	0	1	1	2	0	3	1	10
Misc	0	2	0	1	1	3	1	9	0	17
TOTAL	738	644	747	621	728	849	750	639	653	6369
HOUSING AUTHORITY 5 Year Term (1)										
Blanks	191	191	223	173	226	218	232	186	238	1878
Lynn M. Marcella*	545	451	523	446	500	627	517	444	413	4466
Write-In	2	0	0	2	1	0	0	1	1	7
Misc	0	2	1	0	1	4	1	8	1	18
TOTAL	738	644	747	621	728	849	750	639	653	6369
CEMETERY COMMISSION 3 Year Term (1)										
Blanks	212	183	210	190	240	232	231	193	248	1939
Jean R. McCaffery*	524	458	536	428	486	615	517	438	404	4406
Write-In	0	1	0	1	1	0	1	2	1	7
Misc	2	2	1	2	1	2	1	6	0	17
TOTAL	738	644	747	621	728	849	750	639	653	6369

TOWN ELECTION APRIL 11, 1997

*Candidate for Re-election

TOWN MTG REPRES (3 YEARS)	PCT # 1
Blanks	1654
Jean B. Rook*	380
Nina S. Lewin*	330
Joseph P. Abate*	296
Richard G. Allison*	297
Frances T. Mc Dougall*	351
Peggy Dunn	322
Anthony V. Volpe	367
James P. Good*	424
Write-in	7
Misc	0
TOTAL	4428

TOWN MTG REPRES (3 YEARS)	PCT #2
Blanks	1463
M. Janice Spence	423
Jesse C. Foster*	356
Patricia A. Jamros	356
Linda H. Dalton*	433
William F. Dalton*	463
William P. Griffin*	362
Write-in	4
Misc	4
TOTAL	3864

TOWN MTG REPRES (3 YEARS)	PCT # 3
Blanks	1579
Kathryn M. Fisher*	358
Harold I. Matzkin*	348
Douglas L. Wright*	342
William J. Gilet, Jr.	413
Thomas E. Moran*	275
Michael F. McCall	428
Christopher T. Garrahan*	345
Cathy A. Hutchinson*	384
Write-in	4
Misc	6
TOTAL	4482

TOWN MTG REPRES (3 YEARS)	PCT #4
Blanks	1594
George A. Ripsom Sr.*	371
Dolores a. Blomgren*	371
Billy L. Martin	348
Sheila E. Pichette	370
Cheryl L. O'Sullivan*	329
Gerald W. Pacht*	335
Write-in	3
Misc	5
TOTAL	3726

TOWN MTG REPRES (3 YEARS)	PCT #5
Blanks	1598
Evelyn S. Thoren*	409
Judith B. Mallette	406
Glenn R. Thoren*	382
Kathleen F. Hillman*	377
Robert D. Hall*	407
David P. McLaughlin*	404
Cheryl M. Perkins	378
Write-in	6
Misc	1
TOTAL	4368

TOWN MTG REPRES (3 YEARS)	PCT #6
Blanks	2055
David J. McLachlan*	503
Charles F. Smith*	433
M. Elizabeth Marshall*	475
Marianne J. Paresky*	476
Judith A. Olsson	603
Stuart G. Weisfeldt	542
Write-in	3
Misc	4
TOTAL	5094

TOWN MTG REPRES (1 YEARS)	
Blanks	785
Susan Kupor McHugh (Write-In)	3
Raymond G. McCusker, Jr. (Write-In)	3
Write-in	20
Misc	38
TOTAL	5943

TOWN ELECTION APRIL 11, 1997

*Candidate for Re-election

TOWN MTG REPRES (3 YEARS)	PCT #7
Blanks	1375
Anthony M. Omobono	285
Donna L. Ready	445
Katherine C. Harbison	309
Dwight M. Hayward*	431
Barbara J. Scavezze*	399
Susan J. Gates*	425
Leonard W. Doolan III*	438
Carol A. Stark*	386
Write-in	3
Misc	4
TOTAL	4500

TOWN MTG REPRES (3 YEARS)	PCT #8
Blanks	1309
Samuel Poulten*	254
Robert P. Mackey	368
Gail E. Poulten*	218
John S. Fudge, Jr.	373
Bernice F. Poulten*	177
Robert M. Burns	333
Alexander W. Gervais*	383
Deborah Villano*	361
Write-in	2
Misc	56
TOTAL	3834

TOWN MTG REPRES (3 YEARS)	PCT #9
Blanks	1496
Susan B. Graves	367
Frank R. Peterson*	268
C.Thomas Christiano*	271
Donald L. Elias*	281
Edward A. Cady*	256
Steven Arthur Consalvi*	284
Robert C. Morse*	359
James L. Hickey	329
Write-in	3
Misc	4
TOTAL	3918

TOWN MTG REPRES (2 YEARS)(1)	
	0
Blanks	189
Margaret A. Fudge	440
Write-in	0
Misc	10
TOTAL	639

TOWN MTG REPRES (2 YEARS)(1)	
Blanks	230
James E. Rich	422
Write-in	0
Misc.	1
TOTAL	653

TOWN MTG REPRES (1 YEARS)(1)	
Blanks	186
Joyce M. Johnson	448
Write-in	0
Misc	5
TOTAL	639

TOWN MTG REPRES (1 YEARS)(1)	
Blanks	141
Will L. Perry	304
Thomas J. Liakos	206
Write-in	1
Misc	1
TOTAL	653

ANNUAL TOWN MEETING
APRIL 28, 1997

The Annual Town Meeting was called to order at the Senior Center at 7:35 PM by the Moderator Dennis E. McHugh, who recognized the presence of a quorum. There were 149 Town Meeting Representatives present.

The Moderator pointed out the fire exits, and went over the Town Meeting procedures. He then requested a moment of silence in honor of two people who served the Town in various capacities. Bernard Clark, who was a current Town Meeting Representative from Precinct 2, and Dorothy Borrows, who had been a Board of Registrar from 1956 to 1972.

Selectman Peter Lawlor moved, that the reading of the Constable's return of the warrant be waived. Motion carried, unanimously.

Selectman Peter Lawlor moved, that the reading of the entire warrant be waived. Motion carried, unanimously.

The Moderator requested that the Body vote to allow non residents, Bernie DiNatalie from the School Department and Andy Sheehan, Land Use coordinator address the body from time to time. Motion carried, unanimously.

The Moderator made a point of order. He explained that a new procedure regarding 2/3's voting had been passed as State law. Town Meetings could either pass a by-law or vote at the Town Meeting, to allow the Moderator to make a judgment regarding the necessity of conducting actual hand counts, for 2/3's votes, when he feels that it is obvious that the vote carried. This would save time and move the meeting along. He further explained that there was an article within the warrant that would make this procedure a by-law for future Town Meetings, however, presently he did have a motion before him that if passed would allow the procedure to take effect immediately. The motion reads as follows.

Jonathan A. Stevens moved that the Town vote pursuant to Massachusetts General Laws, Chapter 39, Section 15, as amended, to permit the Moderator to declare a two-thirds majority with the necessity of a count throughout this Annual Town Meeting.

The Moderator asked for any discussion, hearing none he asked for a show of hands on the motion, motion carried.

Under Article 1. Selectman Peter Lawlor moved to hear reports of the Town Officers and Committees.

State Representative Carol Cleven and State Senator Susan Fargo came before the body and briefly reported on various bills that had come before them and how they affected Chelmsford.

The Moderator announced that a Special Town Meeting had been posted for 7:45 PM. He was going to adjourned the Annual Town Meeting at this time and proceed with the Special Town Meeting. When the Special Town Meeting was over, the Annual Town Meeting would reconvene and further reports will be heard under Article 1. The Meeting adjourned at 7:50 PM.

SPECIAL TOWN MEETING
APRIL 28, 1997

The Special Town Meeting was called to order at the Senior Center at 7:50 PM by the Moderator Dennis E. McHugh, who recognized the presence of a quorum. There were 149 Town Meeting Representatives present.

Selectman Peter Lawlor moved, that the reading of the Constable's return of the warrant be waived. Motion carried, unanimously.

Selectman Peter Lawlor moved, that the reading of the entire warrant be waived. Motion carried, unanimously

Under Article 1. Town Manager Bernard Lynch, moved that the Town vote to transfer and appropriate $69,322. from free cash, and $25,678. from Line Item 18, Interest under Article 2 of the 1996 Annual Town Meeting, to be added to the appropriation under Line Item 5, Public Safety Personnel Services under Article 2 of the 1996 Annual Town Meeting in order to fund the Police Patrolmen's collective bargaining agreement.

The Town Manager explained that the Patrolmen Union had been without a contract since June 30, 1995. After two years of collective bargaining a settlement was reached in February of 1997. He said that a 2% raise was given for 1996, a split 2% for FY 1997, for a total cost of $95,000. There was contractual language, educational incentive, which would increase an individual's base salary for the amount of education received. He felt it was a good contract and asked for support of the article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The motion carried, unanimously by a show of hands.

The Moderator adjourned the Special Town Meeting at 8:00 PM. The Annual Town Meeting reconvened at 8:00 PM and discussion continued under Article 1.

Under Article 1.(con't) Chairman of the Master Plan Committee, James Creegan, requested that all the members of the committee who were present to please come forward. Because of all the time and work involved, the Planning Board wanted each member to receive a a certificate of appreciation: Andy Sheehan, Eileen Duffy, Peter Dulchinos, Kim MacKenzie, David McLachlan, Wendy Marcks, Stu Weisfeldt, Tom Moran, Tracy Wallace Cody. He explained that the Master Plan Review Committee was formed in 1994. The Committee met for eight months and concluded that the Master Plan of 1986 was in need of review. The Planning Board requested and received an appropriation of $50,000. from the October 1995 Town Meeting to hire a consultant to assist in the preparation of the new master plan. John Brown Associates was hired as the consultant, and the Master Plan Committee was formed. The Committee addressed various issues, goals, land use, economic development, housing, environment, public facilities, utilities, transportation and implementation plan. Copies of the master plan are available for a fee at the Town Offices.

Chairman of the Chelmsford Arts and Technology Fund Committee, Evelyn Thoren gave a status report of the newly formed committee. The Committee was formed due to the passage of an article at the April 1996 Annual Town Meeting. Its main purpose is to provide supplement funding for initiatives and projects that will enhance the curriculum of the Chelmsford Public Schools. Pink information slips are enclosed in the real estate and excise

bills. From these a voluntary contribution may be made. She thanked the Graphics Department at Nashoba Tech for their work, and to the first business to make a contribution, which was Frequency Sources a division of Lockheed\Martin.

Town Manager Bernard Lynch, then gave his status report on last year's articles. The Community Action Program, which is a program for future civic improvement within the neighborhoods. There are a few applications that need to be reviewed and decided upon. He discussed the Adams Library Expansion Project which had been voted upon at the October 1996 town meeting and ratified with a ballot question in December at a special town election. The architect was on board, the design work done, now in the process of going out for bids. Also plans are being made on housing the Library at a temporary location.

Under Article 2 Town Manager Bernard Lynch moved to postpone consideration of this article until the second night of the adjourned session of the Town Meeting, as the first item of business.

The Town Manager explained that by Thursday night more information may be available from the State regarding certain articles, also some of the collective bargaining units that are still negotiating may settle. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 3. Town Manager Bernard Lynch, moved that the Town vote to transfer $2000. from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 1998.

The Town Manager explained that this is the second year of doing this. It offsets the Board's operating cost. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 4. Sewer Commissioner John Emerson, moved that the Town vote to transfer the sum of $1,560,000. from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1998 Budget.

Chairman of the Sewer Commission, John Emerson explained that the Commission does this each year to reduce the cost of the on going sewer projects. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 5. Sewer Commissioner John Emerson, moved that the Town vote to transfer the sum of $300,633. from Sewer Rate Relief Funds, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1998 Budget.

Chairman of the Sewer Commission, John Emerson explained that this money will be applied to the tax rate. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 6 Town Manager Bernard Lynch explained that this is a standard article. It gives target dollars on what the town can afford to do and spend. Projects are decided upon the time and money available and the need. He noted that there are major items missing. Road resurfacing for one. The money is being used from State Funds to do the road work. The continuation of the sidewalk project is still using funds from last year. This is why other needs are able to be addressed. Bill Griffin questioned the Police vehicles. What is the need for the proposed change in vehicles from the Crown Victoria to the two wheel drive, recreational vehicle? Police Chief Armand Caron explained that the Town transfers prisoners to jail and he is planning on installing computers in the vehicles, which will require more room. The new vehicles will provide the additional space needed. Glenn Thoren questioned the Academic Tech. line item. Bernie DiNatalie, Director of Educational Technology, explained the Schools request. This would allow the communicating of all the schools, classrooms, and administration office, via networking through the access information and institutional network systems. Computers will be replaced and computer labs will be installed at the McCarthy and Parker Schools. Each computer lab will have 32 units. Work stations will be set up in the elementary schools and school libraries. Bill Griffin requested that a full report from the Town Manager regarding the purchasing of the Police vehicles be made available at the Town Meeting next year. The Town Manager agreed to this. Brian Latina questioned what the guidelines are for submitting a request to the Capital Planning. The Manager explained that the project/item had to exceed the cost of $10,000 and have a life of more than five years. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. Discussion took place. Glenn Thoren said that he was not happy with the lack of information when he asked for the plans that were to be laid out for the future use of these computers. He felt that there are citizens at large that this information should be shown to. Then he could have them explain if need be, the proposal in terms that may be easier for a non computer person to understand, and verify the information being proposed. Judy Mallette, a member of the Technology Committee, said that there had been eight major technology companies who came forward and offered their support and technical advice. Presently the plan is in committee at the State level being reviewed, and if any changes need to be made per their advice then it will be done. She asked for support from the body. Paul Gleason spoke in favor of the proposal. Chairman of the School Committee, Angelo Taranto said there had been ample review of the plan. Glenn Thoren said that a vote shouldn't be based on "trust" the information should have been available. He moved to amend the article by reducing the line items on capital planning for Administrative and Academic Technology to $100,000. until a final plan has been made available for review by a Critical Design Review Committee. The Finance Committee unanimously opposes the motion to amend. The Board of Selectmen polled three members who were currently present at their table, and they unanimously oppose the motion. Dennis Ready moved the question to stop debate on the motion to amend. The Moderator asked for a show of hands, motion carried, unanimously. The Moderator then attempted a vote on the motion to amend. This left the Chair in doubt. He asked the following tellers to come forward and take an hand count:
Dorothy Frawley, Patricia Plank, Lucy Simonian, John Maleski. The result: Yes, 45 No, 95 the motion to amend was defeated. The Moderator asked for a vote on the article. Which left him in doubt. The tellers came forward and conducted a hand count. Yes 114, No 24 2/3's is 92 the motion carried and reads as follows:

Town Manager Bernard Lynch, moved that the Town vote to appropriate the sum of $1,288,000. for the following capital projects:

Department	Project	Expenditure
Cemetery	Cemetery Truck	30,000
Fire	Roof Repair	23,000
	Compressor	35,000
	S. Station Generator	18,000
	Engine Refurbishment	10,000
Police	Cruiser Replacement	130,000
DPW	Fuel Tanks	65,000
	Highway Garage Roof	20,000
	Dump Truck/Sander	70,000
	Park Tractor	17,000
	Park Truck	25,000
Schools:	HVAC Upgrade	36,000
High School	Replace Microscopes ($125 @ 1,238)	31,000
McCarthy School	Floors	40,000
Parker School	Lockers	40,000
	Generator	35,000
	Academic Tech.	563,800
	Admin. Tech.	100,000
	TOTAL	1,288,800

and to transfer the sum of $4,758,57. from unexpended bond proceeds under Article 12 of the 1995 Annual Town Meeting, transfer the sum of $463.00 from unexpended bond proceeds under Article 28 of the 1993 Annual Town Meeting, transfer the sum of $646.51 from unexpended bond proceeds under Article 30 of the 1994 Annual Town Meeting, transfer $2,244.00 from unexpended bond proceeds under Article 3 of the 1995 Annual Town Meeting, transfer $687.92 of unexpended bond proceeds under Article 6 of the 1996 Annual Town Meeting and to authorized the Treasurer, with the approval of the Board of Selectman to borrow $1,280,000.00 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority.

Under Article 7. Town Manager Bernard Lynch, moved that the Town vote to raise and appropriate $150,000.00 to be used as a Reserve fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Town Manager explained that this is a yearly article, and asked for support. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. George Merrill moved to table the article. He explained that this should be taken up after the vote on the budget. The Moderator asked for a show of hands, motion defeated to table. George Merrill then moved to amend the article to read $250,000.00. Chairman of the Finance Committee, Barbara Skaar explained that the funds are limited only for emergency items, therefore the Finance Committee is not in favor of the increase. The Board of Selectmen unanimously did not recommend the article. The Moderator asked for a show of hands, motion defeated. The Moderator asked for a show of hands on the article. Motion carried, unanimously.

Under Article 8. Cemetery Superintendent John Sousa, moved that the Town vote to transfer $12,500.00 from the sale of the graves and lots to the Cemetery Improvement and Development Fund.

Cemetery Superintendent John Sousa explained that this is an annual article. The monies are used for beautification and development of new areas for the cemetery. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands on the article, motion carried, unanimously.

Under Article 9. Town Manager Bernard Lynch, moved that the Town vote to raise and appropriate the sum of $19,000. to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford.

The Town Manager explained that this is a yearly article, a requirement that must be done in order to be eligible for any state funding. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands on the article, motion carried, unanimously.

Under Article 10. Town Manager Bernard Lynch, moved that the Town vote to raise and appropriate $20,000.00 for the purpose of funding the sand lease approved by the Town under Article 12 of the 1989 Annual Town Meeting.

The Town Manager explained that the property is located behind the Highway Department on Richardson Rd. The sand is removed from the property and put onto the Highway Department's property. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands on the article, motion carried, unanimously.

Under Article 11. Cemetery Superintendent John Sousa, moved that the Town vote to transfer the care, custody, management and control of the property known as the Forefathers Burying Ground from the Cemetery Commission for cemetery purposes to the Cemetery Commission for Cemetery purposes and for the purpose of granting a preservation restriction to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission (the "MHC"), and to authorize the Cemetery Commission to grant such preservation restriction to the MHC, for a duration not to exceed five years, by which the Town will covenant to maintain the property in a manner satisfactory to the MHC and not alter the property unless the MHC determines that that alteration will not impair the characteristics which contribute to historical integrity of the property.

Cemetery Superintendent John Sousa explained that last year the Town became eligible to received a $5,000.00 grant for the forefathers' Burial Ground. Before any further action can be taken Town Meeting must approve this article because the land is publicly owned. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 12. Town Manager Bernard Lynch, moved that the Town vote to raise and appropriate, the sum of $12,500.00 to provide Senior Citizen Real Estate Tax Payment

Vouchers for services rendered, pursuant to an agreement formulated by the Council on Aging and approved by the Town Manager.

The Town Manager explained that there are twenty-five openings available. It has been a very successful program. Town Meeting has approved the program in the past and he asked for continuing support. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 13. The Moderator explained that there was no signed motion by the Town Manager who was withdrawing the article. Therefore he proceeded onto the next article. (The article would have read, to see if the Town would vote to raise and appropriate a certain sum of money with which to meet bills from previous years.)

Under Article 14. Sewer Commissioner John Emerson, moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easement in Chelmsford, Massachusetts Phase IIIB Sewers dated December, 1996 prepared for the Chelmsford Sewer Commission by Richard F. Kaminski & Associates, Inc.", a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto.

Chairman of the Sewer Commission, John Emerson explained that this article is necessary in order to continue the ongoing sewer project. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 15. Selectman Peter Lawlor, moved that the Town vote to amend the General Bylaws, Town of Chelmsford, Article V. Streets and Sidewalks, Section 6. Inspector, by inserting the following language into the General Bylaws at the end of Section 6.6 (changes are in bold):

Section 6 Inspector

6.6 The fee and incidental expenses of the inspector shall be borne by the permittee and payable, by check or money order, to the Town of Chelmsford. **These fees and those included in Section 1.7 shall be deposited in a revolving fund maintained for the purpose of paying the expenses relative to inspections.**

The Town Manager explained that annually there are an estimated eight hundred street openings done per year. More construction is being done, which result with more road cuts being done. When the road is cut, it is not being put back to the Town's satisfaction. This by-law will allow the Town to bill the contractor and the contractor will do the work to the Town's specification. A discussion took place. John Harrington questioned who was going to be charged for this inspection. The Town Manager said that currently the Water Departments are not charged and won't be in the future. The Finance Committee was not in favor of the article. The Board of Selectmen unanimously recommended the article. John Wilder questioned why the

Finance Committee was against the article. Chairman of the Finance Committee, Barbara Skaar, explained that currently the Town is not collecting any fee's and providing the service. The Moderator asked for a show of hands on the article. Motion carried.

Under Article 16. Town Manager Bernard Lynch, moved that the Town vote to authorize a revolving fund under Massachusetts General Law C. 44, S. 53E ½ for the Department of Public Works for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees and incidental expenses from the full time inspector assigned to each trench opening or excavation site as assigned by the Highway Superintendent. The Public Works Department shall be authorized to spend money from the fund for the purpose of paying the expenses relative to inspections necessary for implementing the full time trench opening or excavation inspection program. Expenditures from the trench opening or excavation inspection program shall be limited to $25,000. during Fiscal Year 1998.

The Town Manager explained the article is needed in order to set up the revolving account necessary for the implementation of article 15. The Finance Committee did not recommend the article. The Board of Selectmen unanimously recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands on the motion, motion carried.

Under Article 17. Town Manager Bernard Lynch, moved that the Town vote to amend the General Bylaws, Town of Chelmsford, Article V. Streets and Sidewalks, Section 8. Construction Standards, by deleting the following phrase from Subsection 8.13. Restoration of Permanent Paving, "Street openings shall be maintained by the Permittee for a period of two (2) years from the date of completion." and substituting therefore the following phrase:

> "Street openings shall be maintained by the Permittee for a period of five (5) years from the date of completion, except for work that requires a curb-to-curb overlay in which case the maintenance period shall be two (2) years.".

The Town Manager explained that the smaller road cuts are the cuts made by the utility companies that tend to have problems. By making a contractor hold a five year bond on a street opening will assure that the opening is correctly sealed and if a problem does occur it will be taken care of by the contractor and not by the Town. James Pearson, DPW Director explained the difference between a curb to curb opening and a trench opening. The Representatives expressed concerns of the expense involved and the actual need. The road should be able to go through a winter without heaving etc. Once this is done then why tie up a contractor's money? The cost will be more because the money is tied up longer. It was explained that there had been roads in the past after two years that the Town had to repair at it's own expense because they weren't resealed correctly. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 18. Selectman Peter Lawlor moved that the Town vote to transfer the care, custody, management and control of the property known as the North Town Hall from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the purpose of granting a preservation restriction, and to authorize the Board of Selectmen to grant such preservation restriction to any governmental or non-profit entity whose purpose is historic preservation, by which the Town will covenant to maintain the property in a manner satisfactory to the grantee and not alter the property unless the grantee

determines that alteration will not impair the characteristics which contribute to the historical integrity of the property.

Selectman Susan Gates explained that this preservation restriction clause is needed in order to preserve the outside of the building, regardless in the future who ever owns the Building if it is not the Town. This would keep the building from being raised or change the outside structure. Any proposed work done on the inside will not and can not be effective by this. The only way this restriction can be eliminated once voted, is by Town Meeting vote. Jeff Stallard questioned if this would apply to a Town Board or Committee. John Georgio, Town Counsel said yes it would apply to everyone. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a vote by way of a show of hands, the Moderator declared that the motion carried by a 2/3's vote.

Under Article 19. Selectman Peter Lawlor moved that that the Town vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Meadowcrest Lane
Technology Drive
Fisher Road
Empire Street

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to raise and appropriate $15.00 to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

The Town Manager explained that these streets had gone through the process of completing the Town's specifications and are now ready to become public ways. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 20. The Town Manager explained that this article had been withdrawn by the petitioner according to a letter sent to the Planning Board. The Motion was not signed therefore the Moderator declared no action to be taken and proceeded onto Article 21. (The Article read as follows: To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II. *District Regulations*, Section 2110. *Official zoning map* as it pertains to a 1.52 acre lot, with residence known as 10 Worthen Street, Chelmsford, Massachusetts, fronting on the west side of Worthen Street, running north from Westford Street, more fully described in Plan Book 94, Page 419 recorded with the Middlesex North Registry of Deeds, by changing the designation of said lot from RB (Residential) to RM (Residential Multifamily.)

Under Article 21. Bill Griffin moved that the reading of this article be waived. The Moderator asked for a show of hands, motion carried, unanimously. The Town Manager

explained that this article pertains to cellar antenna's, and a new law is needed to address this issue. Increase need for antenna's because of more usage, this will allow the Town to regulate where antenna's are to go and how they will be permitted. Andy Sheehan, Land Use Coordinator explained that the granting authority will be the Board of Appeals. The use of existing structures, water towers, mill buildings, will be allowed. They will be limited to the industrial and commercial zones. Selectman Susan Gates explained this is to control where poles can go by restricting the zoning where new poles are allowed. Without any type of restriction they can go anywhere because of federal regulations. This would stop something bad before it happens. Marianne Paresky wanted to know where the locations are already? Andy Sheehan said so far there are six locations, Parkhurst Rd, Turnpike Rd, Doris Dr, Washington St, Oak St, Middlesex St. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. Chairman of the Planning Board, Kim MacKenzie, read the Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on March 26, 1997 at 8:00 PM to consider amending the Town of Chelmsford Zoning By-laws. A legal advertisement was published on March 6, 1997 and March 13, 1997 in the Chelmsford Independent, a minimum of 14 days prior to the public hearing. Notices were sent to all abutting towns and the appropriate agencies as required in the M.G.L. Chapter 40A Section 5.

At the meetings of March 26, 1997 and April 9, 1997, the proponents residents and the Planning Board discussed the issues of this amendment. This amendment proposes to add a new Section 4900 to the Zoning By-law entitled "Wireless Communications Facilities". The proposed section would establish siting criteria and standards for wireless communications facilities. This amendment would also amend Section 2300, Use Regulation Schedule, by adding a new category, "Wireless Communication Facilities" under Industrial uses. The public hearing was closed on April 9, 1997. At its meeting on April 23, 1997, the Planning Board voted 4-0 with Ms. Cody abstaining in favor of this amendment. Therefore, the Chelmsford Planning Board recommends article #21.

William Griffin moved to amend section 4950 paragraph (a) of the article by adding section (1) No monopole or attached accessory antenna or a monopole, shall exceed 120 feet in height, or three feet in diameter as measured from ground level at the base of the pole.

The Finance Committee claimed no expertise in this area therefore felt they could not make any recommendation. John Georgio, Town Counsel felt that any amended change to the by-law regarding further restrictions may cause problems, he felt section 4920 addresses the concerns of this amendment. The Moderator asked for a show of hands on the motion to amend, motion defeated. The Moderator asked for a show of hands on the article. Motion carried, unanimously. The article reads as follows:

Town Manager Bernard Lynch, moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article IV. *Special Regulations.* by adding the following proposed zoning by-law after Section 4800 of the Town of Chelmsford Zoning By-law:

Sec. 4900 Wireless communication facilities.

4910. Purpose. The purpose of these regulations include: establishing siting criteria and standards for communication towers and facilities; minimizing the adverse visual impacts of wireless communications facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; minimizing the overall number and height of such facilities to

only what is essential; and promoting shared use of existing facilities to reduce the need for new facilities. The by-law is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town, and to accommodate the need for the minimum number of such facilities within the Town. This section shall not apply to satellite dishes and antennas for residential use which are regulated under Section 4193. For the purposes of this section, "wireless communications facilities" shall include monopoles, satellite dish(es) over three (3) feet in diameter, antennas, and accessory structures which facilitate the provision of wireless communication service. "Wireless communication services" shall mean the provision of cellular telephone service, personal communication service and enhanced mobile radio service.

4920. General Requirements

(a) No wireless communications facility shall be erected or installed except in compliance with the provisions of this Section. In all cases, a Special Permit is required from the Board of Appeals (the "Board"). Any proposed extension in the height; addition of cells, antenna or panels; or construction of a new or replacement facility shall be subject to a new application for a Special Permit. Attachment of cells, antenna or panels to existing suitable structures shall be subject to application for a Special Permit.

(b) Only freestanding monopoles, with associated antenna and/or panels, are allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed. For the purposes of this section "monopole" shall mean a pole consisting of not more than one leg, anchored in the ground, which is not supported by guy wires or other bracing. Monopoles shall be set back from the property line a distance at least equal to the height of the monopoles.

(c) Erection of new monopoles shall be allowed in any Commercial District, Industrial District or Public District, per the Use Regulations Schedule, Section 2300 of this Bylaw, and shall be located within five hundred (500) feet of a limited access highway as defined by State and Federal standards. No new monopoles shall be erected within five hundred (500) feet of an existing residential structure or within two (2) miles of another existing or approved monopole.

(d) Structures shall be removed within one (1) year of cessation of use. If applicable, proof of continued compliance with the standards of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), the American National Standards Institute (ANSI), State building code, and required maintenance shall be filed with the Building Inspector by the Special Permit holder on an annual basis or as deemed necessary by the Building Inspector.

(e) No more than one monopole shall be located on a lot.

4930. Application Process. All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the applicable application form in compliance with the Rules and Regulations of the Chelmsford Board of Appeals. In addition to the minimum requirements of the Board of Appeals, applicants under this section shall include the following:

(a) A locus plan which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings, and all buildings within five-hundred (500) feet of the facility.

(b) A color photograph or rendition of the proposed monopole with its antenna and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.

(c) The following information prepared by one or more professional engineers:

- a description of the monopole and the technical, economic and other reasons for the proposed location, height and design.
- confirmation that the monopole complies with all applicable Federal and State standards.
- a description of the capacity of the monopole including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

(d) If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4940. Design Guidelines. The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities:

(a) All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. The setback of a monopole from the property line of the lot on which it is located shall be at least equal to the height of the monopole.

(1) No monopole, or attached accessory antenna on a monopole, shall exceed one hundred twenty (120) feet in height as measured from ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.

(2) Antennas or dishes located on nonresidential buildings shall not exceed ten (10) feet in height above the roof-line of the structure.

(b) All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. No monopole shall be visible from any location within the Historic District. All monopoles and dishes shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located and existing on-site vegetation shall be preserved to the maximum extent possible.

(c) Satellite dishes and/or antennas shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets.

(d) Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

(e) Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the character of the Town and shall not be of razor wire. The fence shall be surrounded by a screen of plantings of sufficient density and height so as to shield the fence from view.

(f) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with Section 3300 of the Chelmsford Zoning Bylaw, Signs and Outdoor Lighting.

(g) Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

(h) There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment. Traffic associated with any wireless communication facility shall not adversely affect abutting ways.

4950. Special Permit Review.

(a) Applications for Special Permits shall be approved or approved with conditions if the petitioner can fulfill the requirements of these regulations to the satisfaction of the Board.

(b) Applications for Special Permits may be denied if the petitioner cannot fulfill or address the requirements of these regulations to the satisfaction of the Board.

(c) When considering an application for a wireless communication facility, the Board shall place great emphasis on the proximity of the facility to residential neighborhoods and its impact on these residences. New facilities shall only be considered after a finding that existing (or previously approved) facilities cannot accommodate the proposed use(s).

(d) When considering an application for an antenna or dish proposed to be placed on a structure, the Board shall place great emphasis on the visual impact of the unit from the abutting neighborhoods and street(s).

; and amend the Zoning Bylaw, Town of Chelmsford, Section 2300 **Use regulations schedule.** by adding a new category under industrial uses entitled "Wireless communication facilities" as shown below (changes are in bold):

Industrial Uses (see sec. 4500 for Major Business Complexes)	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Earth removal (see sec. 4200)	O	O	O	O	O	O	O	O	BA	BA	O	O	O	O
Light industry	O	O	O	O	O	O	O	O	P	P	O	O	O	O
Pedestrian and vehicular access and egress by private way to and from uses permitted in a IA district	O	O	O	O	O	PB	O	O	P	O	O	O	O	O
Warehouse and open storage	O	O	O	O	O	O	O	O	BA	P	O	P	O	O
Junk yard	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Contractor's yard	O	O	O	O	O	BA	O	O	O	P	O	O	O	O
Granite operations	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Public utility or public works storage yard or repair shop	O	O	O	O	O	BA	O	O	P	P	O	P	BA	O
Research, experimental and testing lab	O	O	O	O	O	O	O	O	P	O	O	O	O	O
Solid waste disposal facility	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Sanitary landfill	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Refuse incinerator	O	O	O	O	O	O	O	O	O	BA	O	O	O	O
Transport terminal	O	O	O	O	O	O	O	O	O	P	O	O	O	O
Wireless communication facilities (see Sec. 4900)	**O**	**O**	**O**	**O**	**BA**	**BA**	**BA**	**BA**	**BA**	**BA**	**O**	**BA**	**BA**	**O**

Under Article 22. Planning Board Member Robert Morse, moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article V. *Definitions*, definition of "lot

area" in order to change the requirements for contiguous dry land area, by deleting "eighty (80)" where it appears and replacing it with "ninety (90)" to read as follows (changes are in bold):

> *Lot area:* The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least **ninety (90)** percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L., as amended.

Chairman of the Planning Board, Kim MacKenzie said that the current regulation is that 40,000 sq feet which is 80 % dry (32,000 sq feet contiguous dry) is a building lot. It was felt that the new regulation would provide healthier building lots. He gave the Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on March 12, 1997 on the above mentioned article. A legal advertisement was published in the Chelmsford independent on February 20, 1997 and February 27, 1997, a minimum of 14 days prior to the public hearing. A copy of this ad was sent to all abutting towns and the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5. At the meetings on March 12, 1997 and March 26, 1997, the proponents, residents and the Planning Board discussed the merits of this Zoning by-law change. The decision was rendered on April 9, 1997. At its meeting on April 9, 1997, the Chelmsford Planning Board voted unanimously (5-0) in favor of Article 22 which amends Article V. Definitions as follows: Lot area: Delete "eighty (80%)" where it appears and replace it with "ninety (90%)". Therefore, the Chelmsford Planning Board recommends the above mentioned changes to Article V. Definitions, Lot area of the zoning by-law.

The Finance Committee recommended the article. A majority of the Board of Selectmen did not recommend the article. A discussion followed. John Emerson spoke against the article. He felt it was an unnecessary increase. It would restrict people who presently own large acreage or 2-3 acres of land. Ronald Wetmore said that it is an unfair burden on present land owners 80% is fine, it hasn't been abused. The Moderator asked for a show of hands, motion defeated.

Under Article 23. Planning Board Member Robert Morse, moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, by substituting the term "net floor area" for the term "gross floor area" wherever it now appears in Section 3100 of the Zoning Bylaw, and by adding the following definition of "net floor area" to Article V. *Definitions*:

> *Net floor area*: the aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot, measured from the exterior faces of the walls enclosing each building; and exclusive of the cellars and attic areas used only for storage, bathrooms, stairwells, elevators, mechanical rooms, or areas for service incidental to the operation or maintenance of the building.

Chairman of the Planning Board, Kim MacKenzie, explained the article. He then gave the Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on March 12, 1997 on the above mentioned article. A legal advertisement was published in the Chelmsford independent on February 20, 1997 and February 27, 1997, a minimum of 14 days prior to the public hearing. A copy of this ad was sent to all abutting towns and the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5. At the meetings on March 12, 1997 and March 26, 1997, the proponents, residents and the Planning Board discussed the merits of this Zoning by-law change. The decision was rendered on April 9, 1997. At its meeting on April 9, 1997, the Chelmsford Planning Board voted unanimously (5-0) in favor of Article 23 which amends Article V. Definitions as follows: Net Floor Area as follows: The aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot, measured from the exterior faces of the walls enclosing each building; and exclusive of the cellars and attic areas used only for storage, bathrooms, stairwells, elevators, mechanical rooms or areas for service incidental to the operation or maintenance of the building. And; substituting the terms "net floor area" for the term "gross floor area" wherever it appears in Section 3100. Therefore, the Chelmsford Planning Board recommends the above mentioned changes to Article V, Definitions, Net Floor Area of the zoning by-law.

The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, and he declared that the motion carried by 2/3's.

Under Article 24. Planning Board Member Robert Morse, moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, *District Regulations*, Section 2220 *Uses not listed*, in order to make any use not listed prohibited, by deleting the entire section as follows:

> 2220. *Uses not listed.* If a particular use is not specifically included in the use regulations schedule, then the board of appeals may determine whether in the district in which an unlisted use is proposed, uses having similar externally observable attributes are or may be permitted, and if so, the board of appeals may authorize such use or uses as a special permit for exception under section 1500.

and, replacing it with the following new Section 2220. *Uses not listed.* (changes in bold):

> 2220. *Uses not listed.* **All uses which are not listed in Section 2300, Use Regulations Schedule, are prohibited.**

Barry Balan questioned if this by-law change was eliminating the Board of Appeals decision making process. Kim MacKenzie explained that it was, because the Board of Appeals is not allowed to give use permits according to the zoning by-laws. Once a permit is granted by the Board of Appeals the applicant may not necessarily ever come before the Planning Board and therefore, potential issues go unresolved. Questions were asked if there were any recent such permits issued by the Board of Appeals. Yes, the two assisted living complexes. These are good projects but are major zoning changes that affect an area, neighborhood and the Town. These type of changes in zoning should come before the Planning Board, then Town Meeting for final approval. The Finance Committee recommended the article. A majority of the Board of Selectmen (3-2) opposed the article. Kim MacKenzie gave the Planning Board's recommendation.

The Planning Board of the Town of Chelmsford held a public hearing on March 12, 1997 on the above mentioned article. A legal advertisement was published in the Chelmsford independent on February 20, 1997 and February 27, 1997, a minimum of 14 days prior to the public hearing. A copy of this ad was sent to all abutting towns and the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5. At the meetings on March 12, 1997 and March 26, 1997, the proponents, residents and the Planning Board discussed the merits of this Zoning by-law change. The decision was rendered on April 9, 1997. At its meeting on April 9, 1997, the Chelmsford Planning Board voted unanimously (5-0) in favor of Article 24 which amends Article II. Section 2220 as follows: 2220. Uses Not Listed. All uses which are not listed in Section 2300, Use Regulations Schedule, are prohibited. Therefore, in keeping with the general intent of the Zoning ByLaws in the development of the community, the Chelmsford Planning Board strongly recommends the above mentioned changes to Article II, Section 2220 of the zoning by-law.

A lengthy discussion took place. A number of representatives spoke against the article. Wendy Marcks who was a member of the Master Plan Committee said that the consultant to the Committee recommended that this change in the zoning law be done. Selectman Susan Gates spoke against the article and asked that the article be defeated. Karen Ready moved the question to stop debate. The Moderator asked for a show of hands, motion carried, unanimously. The Moderator asked for a vote on the article. This left the Chair in doubt, the tellers came forward and an hand count was taken: Yes 83 No 51, 89 is 2/3's the motion is defeated.

Selectman Peter Lawlor moved that the Town Meeting be adjourned until Thursday night at 7:30 PM at the Senior Center. The Moderator asked for a show of hands, motion carried, unanimously. The meeting adjourned at 11:25 PM.

_____ _____

Dennis E. McHugh, Moderator Mary E. St.Hilaire, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
MAY 1, 1997

The Annual Town Meeting was called to order at the Senior Center at 7:40 PM by the Moderator Dennis E. McHugh, who recognized the presence of a quorum. There were 146 Town Meeting Representatives present.

The Moderator asked that that Town Meeting Representatives vote to allow nonresidents Adam Wasylyshyn of the School Department and Susan Jamback, Director of the Charter School address the Body if necessary under certain articles. Motion carried, unanimously.

The Moderator announced that Marc Pelchat a town resident was raising funds in order to participate in the Winter Olympics under the speed skating program. If anyone was interested in sending in any type of support to please contact his family.

The Moderator then announced that due to the resignation of Precinct 4 Representative Carl Seidel, and with no one on the reserve list to move up there was an opening. The remaining 17 Representatives were going to meet Monday night and choose a voter from the precinct to fill the unexpired one year term. He said if anyone in the precinct was interested in filling the position to contact the Representatives.

The Moderator then reminded the Body that the first order of business was going to be Article 2. This had been tabled by the Manager on Monday night, and was to be the first order of business acted upon.

Under Article 2. The Moderator explained that he was going to just read the total money summarized under the line items (the gray area in the budget book) and ask if there would be any questions. The Town Manager explained that there were up to date figures on sheets provided at the entrance of the hall. These figures are going to be read as his motion. The Moderator read the motion starting with the Municipal Administration and read the Personnel Services and Expenses line items, through the Cemetery Department, where a discussion took place. Superintendent John Sousa said that there was a typo error under the expense amount. the figure should be $32,329, not $32,239, the Town Manager so noted the correction and explained that he would reflect the corrected figure in his motion. He mentioned that the figure given under the Public Works personnel services reflects the Highway Union's contract settlement. The Moderator read through the rest of the motion. He asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. A discussion took place. Under the Community Services Expenses Jeffrey Stallard moved to amend the Historical Commissions budget by requesting an additional $200.00 be added the the Expense Line item, to cover the anticipated expenses for the North Town Hall Committee. The Manager indicated that he would increase the budget figure by $200.00 . The total expense line item will now read $151,099. Bill Griffin questioned the Fire Departments Budget. Was the level of funding adequate for the current year in order to maintain the stations at their current level? Fire Chief Jack Parrow explained that in October the overtime line item was set at $220,000, with the anticipation of all the stations being opened. When the budget came back from the Town Manager and the Finance Committee the line item was cut by $20,000. This $20,000. shortfall will be made up with about sixty closings of the various stations around the town. George Merrill moved to amend under

Personnel Services under the Municipal Services by reducing it $10,000.00 so the line reads $1,068,300.00 for a total budget of $1,560,911.00. He felt that the Town Planner position was not necessary. The Town had a Planning Board at no cost, that could make decisions regarding open space and planning. A number of Representatives spoke against the motion. Ronald Wetmore said that the amount of build able space left should be watched now more than ever. The expertise that this position provides to the Board's when the time comes for making decisions is a great asset. He works very closely with the Town Planner as Building Inspector for Bedford. John Emerson spoke in favor and the need for the position. The Moderator asked for a show of hands on the motion to amend. Motion defeated. The Moderator asked for a vote on the article as presented with the Manager's amended figures, motion carried and the article reads as follows.

Town Manager Bernard Lynch, moved that the Town vote to raise and appropriate the sum of $57,332,094.00 to defray Town charges for the fiscal period July 1, 1997 to June 30, 1998 according to the following line items.

Municipal Administration	
Personnel Services	$1,078,300
Expenses	500,611
Chelmsford School Department	30,825,913
Nashoba Technical High School	
Assessment	655,230
Public Safety	
Personnel Services	6,024,379
Expense	602,569
Public Works	
Personnel Services	1,241,308
Expense	3,376,696
Offset Receipt	($926,961)
TOTAL	3,691,043
Sewer Commission	
Expense	17,500
Cemetery Department	
Personnel Services	192,023
Expense	32,329
Community Services	
Personnel Services	386,070
Expense	151,099
Library	
Personnel Services	731,286
Expense	234,101

Undistributed Expenses	5,386,000
Debt and Interest	
Principal	5,101,965
Interest	1,721,676

Under Article 25. The Town Manager explained the purpose of this by-law. Currently businesses are not allowed to have any inside lighted window signs. Over the years many of the businesses started putting lighted signs in their windows as a means of letting the public know that the business is indeed open. When it came to the attention of the Board of Selectmen that many of the businesses where having these signs, the Building Inspector was told to contact the businesses and tell them that they are in violation. It was then decided that a moratorium would be issued by the Selectmen saying that all businesses were to shut off their lights immediately and that the by-law would be studied and voted on at the Town Meeting. The by-law was on the books, but never really truly enforced. This would allow the businesses to have one sign, and establish rules and regulations regarding the type and size of the sign. Businesses that are in the historic district also have a by-law against lighted window signs. Ann Marie Roark, President of the Business Association addressed the Body. The association voted in favor of this by-law. It was felt that a compromise had been made that would be fair to all. An amendment that the businesses wanted was incorporated into the wording of the article. Dennis Ready questioned if the Board of Selectmen were allowed to issue such a moratorium? John Georgio, Town Counsel said that they were. Dennis Ready then asked Annmarie Roark if a survey had been done indicating if businesses had suffered since the moratorium? She replied that nothing official had been conducted, however the small business owners did confirm that money was lost without the signs being on. Barbara Ward questioned who was responsible for the enforcement of this by-law in the past and why should anyone feel that this law will be enforced? Selectman Lawlor said that it was under the jurisdiction of the Building Inspector to enforce the sign by-law. And if voted, this Board as well as the Town Manager would be committed on making sure that the by-law is enforced. Numerous questions were asked. The Moderator asked for the Finance Committee's recommendation. Chairman Barbara Skaar explained that the Board held no expertise in this matter and had no recommendation. The Board of Selectmen had not made a decision at this time and wanted to hear more debate before deciding. The Moderator asked for the Planning Board's recommendation. Planning Board Member Robert Morse came forward and first announced that fellow board member, Tracy Wallace Cody and husband William were proud parents of a baby girl, born yesterday, he then proceeded to read the Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on March 26, 1997 at 7:45 PM to consider amending the Town of Chelmsford Zoning Bylaw, Section 3300, Signs and Outdoor Lighting. A legal advertisement was published on March 6, 1997 and March 13, 1997 in the Chelmsford Independent a minimum of 14 days prior to the public hearing. A copy of this ad was mailed to all abutting towns and the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5. At the meetings on March 26, 1997 and April 9, 1997, the proponents, residents and the Planning Board discussed the proposed by-law changes The proposed zoning amendment would change section 3300 of the Zoning By-law, Signs and Outdoor Lighting, by adding a section entitled "Lighted Window Signs". The amendment would also alter the membership of the Sign Advisory Committee. The Public Hearing was closed on April 9, 1997. At the meeting on April 9, 1997 the Planning Board voted 3-2 Not to recommend the change in the bylaw as written. Therefore, this article is not recommended by the Planning Board.

Barry Balan moved to amend the article under section (a) Lighted Window Signs to include businesses within the historic district. He felt that all businesses should have the same opportunity, regardless if they are in the historic district or not. Town Counsel ruled that if this wording is dropped it won't matter because the Town has a separate Historic District By-law and according to that by-law businesses can't have lighted inside window signs. George Kalos a business man within the Historic District showed where the boundaries of the district ran and expressed that his building was built in 1922 and in the district, yet there are other buildings much older than his that are not in the district He felt that the Historic District doesn't have jurisdiction on the inside of a building, just the outside. He wanted to know if this was true and asked for an opinion. Town Counsel John Georgio said that due to George Kalos being involved with a court litigation he couldn't discuss the matter at this time. Bill Dalton spoke in favor of the amendment. More discussion took place over Barry Balan's motion. Many Representatives spoke in favor of the motion to amend. Bernard Ready spoke against lights in the Historic District. Bill Dalton said that the Historic District should be reviewed by a committee. The present boundaries are unfair to the businesses within the district. Upon advise from the Moderator, Barry Balan agreed to change the wording of his motion to amend (a) Lighted Window signs to read: "exclude the words with the exception of businesses with the historic district". Dennis Ready moved the question. The Moderator asked for a show of hands on the motion to stop debate, motion carried, unanimously. He asked for a show of hands on the motion to amend, motion carried. More discussion took place. Jeff Stallard moved to amend the article as amended under (a) Lighted Window Signs (3) delete the words at the end of the sentence "or by lights changing in intensity." and delete (4) and (6) in their entirety. He felt it had to many regulations. Not fair to the businesses. Jim Hickey and Jim Young, both spoke about supporting the businesses needs. Peggy Dunn spoke against the motion to amend. The Moderator asked for a show of hands on the motion to amend, motion defeated. Dennis Ready then moved the question to stop the debate. The Moderator asked for a show of hands, he declared that the motion carried by 2/3's. He then asked for a show of hands on the main motion as amended, and declared that the motion carried by 2/3's. The article reads as follows:

Town Manager Bernard Lynch, moved that the Town vote to amend the Town of Chelmsford Zoning By-Law, Article III. *General Regulations*, Section 3334 by inserting the following language into the Zoning By-Law at the end of Section 3334:

(a) Lighted Window Signs. Each business shall be allowed one (1) lighted window sign. Lighted window signs shall include all types of internally illuminated signs, including neon signs. Lighted window signs shall conform to the following standards:

(1) Lighted window signs shall not exceed five (5) square feet in area or cover more that 20% of the window in which it is erected, whichever is less, and shall only be allowed in ground floor windows.
(2) Lighted window signs shall be equipped with a timer which timer shall control illumination of the sign no longer than thirty (30) minutes before opening or thirty (30) minutes after closing of the business.
(3) Lighted window signs shall not incorporate or be lighted by flashing or blinking lights, or by lights changing in intensity.
(4) Lighted window signs shall not contain more than three (3) different colors.
(5) Lighted window signs which are illuminated by a neon light source shall be composed of primarily single strand glass tubing with a maximum outside diameter of one (1) inch.

(6) Any lighted sign within three (3) feet of a window shall be considered to be a window sign and shall comply with all requirements of the Zoning Bylaw.

(7) Lighted window signs shall conform to all other regulations in Section 3300.

Under Article 26. Town Manager Bernard Lynch, moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article III. *General Regulations*, Section 3371. Membership [items]. in order to change the requirements for membership on the Sign Advisory Committee, by deleting the following:

> *3371. Membership [items]* A sign advisory committee of five (5) members shall be appointed by the selectmen for three-year terms (except so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Chelmsford, and one (1) registered architect or landscape architect, and one (1) professional in visual design. In addition a member of the board of appeals shall be designated by the board as a nonvoting sixth member of the sign advisory committee.

and substituting therefore the following (changes are in bold):

> *3371. Membership [items]* A sign advisory committee of five (5) members shall be appointed by the selectmen for three-year terms (except so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Chelmsford, and **two (2) others, preferably with a strong interest in architecture, landscape architecture or visual design**. In addition a member of the board of appeals shall be designated by the board as a nonvoting sixth member of the sign advisory committee.

The Town Manager explained the purpose of the change. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for Planning Board's recommendation. The Planning Board did not vote on the article. The Moderator asked for show of hands on the article, motion carried. unanimously.

Under Article 27. The Moderator said that he had a motion from Selectman Lawlor to amend Section 2-13 Referendum Procedures

(c) Referendum Election

"The Polls shall be opened no later than two o'clock in the afternoon....."

The Town Manager explained that as a result of the petition drive last year to call for a special town election to ratify the Town Meeting action concerning the library, flaws were found in the Charter concerning the election process. The purpose of this amendment to the Charter is to have it conform with the actual state law regarding the entire process of ratifying and calling the election. George Ripsom questioned the wording of twenty percent of the registered voters shall so vote. The wording was clarified and the amendment from Selectman Lawlor incorporated the following wording into his motion.

(and the last sentence) "The questions so submitted... shall be reversed unless at least twenty percent of the voters vote on the question."

The Finance Committee was in favor of the article as amended. The Board of Selectmen were 4-1 in favor of the article. The Moderator asked for a vote on the motion to amend, motion carried. George Merrill moved to amend the article with the following changes:

Under Section 2-13 (b)
Line 1. Change three to five
Line 2. Delete registered
Line 3. Delete as they appear on the list of registered voters
Line 5. Delete of the town at large
Line 7. Change five days to ten days, exclusive of Saturday and Sunday.
Line 9. Delete at large
Under Section 2-13 (c)
Delete and add original Sect 2-13 (c)
Under Section 2-13 (d)
Delete and add original Sect 2-13 (d)

He explained that the proposed changes by the Manager were not necessary, just extra wording. The Finance Committee recommended against the motion to amend. The Board of Selectmen unanimously recommended against the article. The Moderator asked for a show of hands on the motion to amend. Motion defeated. More discussion took place. William Dalton moved to amend the article Line 2-13 B, 3 percent to 5 percent and Line 2-13 C 20 percent to 15 percent. The Finance Committee was against the motion to amend. The Board of Selectmen (4-1) were against the motion to amend. the Moderator asked for a show of hands on the motion to amend, which left the Chair in doubt. The following tellers came forward and a hand count was taken:
Dorothy Frawley, Patricia Plank, Lucy Simonian, John Maleski. The result was Yes 64 No 61, the motion carried to amend.

Dennis Ready moved the question to stop any further debate. the Moderator asked for a show of hands, He declared that the motion carried by 2/3's. He then asked for a show of hands on the motion as amended, and declared that the motion carried by 2/3's. The article reads as follows:

Town Manager Bernard Lynch, moved that the Town vote to amend the Chelmsford Home Rule Charter under Section 2-13, Referendum Procedures, by deleting the existing section as follows:

Section 2-13 *Referendum Procedures*

(a) *Effective Date of Final Votes*

No final affirmative vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of ten days from the dissolution of the town meeting. If a referendum petition is not filed within the said ten days, the vote of the town meeting shall become operative.

(b) *Referendum Petition*

If, within said ten days a petition signed by not less than five percent of the voters containing their names and addresses is filed with the board of selectmen requesting that any question, not yet operative as defined in (a) above, be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within fourteen days after the filing of such a petition, call a special election that shall be held within twenty days after issuing the call, for the purpose of presenting to the voters any such question. If, however, a regular or special election is to be held not more than thirty days following the date the petition is filed, the board of selectmen may provide that any such questions be presented to the voters at the same election.

(c) *Referendum Election*
All votes upon the question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating the elections, unless otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least ten percent of the voters vote on the question.

(d) *Format of Questions*
Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.

and, replacing it with the following new Section 2-13, Referendum Procedures (changes in bold);

Section 2-13 *Referendum Procedures*

(a) *Effective Date of Final Votes*
No final affirmative vote of a town meeting on any warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of **seven** days, **exclusive of Sundays and holidays,** from the dissolution of the town meeting. If a referendum petition is not filed within the said **seven** days, the vote of the town meeting shall become operative.

(b) *Referendum Petition*
If, within said **seven** days a petition signed by not less than **five** percent of the **registered** voters **of the town,** containing their names and addresses **as they appear on the list of registered voters,** is filed with the board of selectmen requesting that any question, not yet operative as defined in (a) above, be submitted to the voters **of the town at large**, then the operation of such vote shall be further suspended pending its determination as provided below. The board of selectmen shall, within **five** days after the filing of such a petition, call a special election **in accordance with state election laws**, for the purpose of presenting to the voters **at large the** question **or questions so involved**. If, however, a regular or special election is to be held not more than thirty days following the date the petition is

filed, the board of selectmen may provide that any such questions be presented to the voters at the same election.

(c) *Referendum Election*
The polls shall be opened no later than two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon the question **or questions** so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of **state** law relating **to** elections. **The** questions so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the **representative** town meeting shall be reversed unless at least **fifteen** percent of the **registered voters vote on the question**.

(d) *Format of Questions*
Each question so submitted shall be **in the form of the following question which shall be placed upon** the **official** ballot: -- **"Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote and by what vote thereon if such vote was tabulated) ?"**

The Moderator stepped down from the podium and asked the Town Clerk, Mary St.Hilaire to conduct the meeting because he was the proponent of the next article.

Under Article 28. Moderator Dennis McHugh, explained that this by-law once voted and approved by the Attorney General would become part of the Town Meeting procedures. The Body had been using this provision since the beginning of this meeting on April 28th. With this as a by-law it would not be necessary to take a vote at each Town Meeting The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Acting Moderator asked for any questions. Hearing none she asked for a show of hands on the article. Motion carried, unanimously. The article reads as follows:

Moderator Dennis McHugh moved that the Town vote to amend the General Bylaws, Town of Chelmsford, Article II, Town Meeting, Section 4 Procedures, in order to change the procedure for counting votes during town meeting by leaving the calling for a vote to the discretion of the town moderator, in addition, seven or more members of town meeting would retain the power to force a count on such a vote, by inserting the following language into the General Bylaws, Town of Chelmsford, Article II, Town Meeting, Section 4 Procedures, at the end of Section 4 (changes are in bold):

> Section 4.13 Voting - Voice votes will not be used. All votes will be taken by a raising of hands. The Moderator will visually judge the vote and, if in doubt, will ask for a specific count. **In matters requiring a two thirds vote by statute, the moderator may declare the vote based upon raising of hands. If seven or more members of town meeting question the vote, the moderator shall count the vote.**

The Moderator returned to the podium and continued the meeting.

Under Article 29. Kathryn Fisher moved that the Town vote to amend the General Bylaws, Town of Chelmsford, Article VI, Police Regulations, in order to establish rules for the regulation of newsracks by adding the following at the end of Article VI, Police Regulations:

Section 24 Regulation of Newsracks Within the Public Way

For the purposes of this section, **newsracks** shall mean a vending machine used for the sale and/or distribution of newspapers or similar printed material. It is not the intent of the section to prohibit or interfere with the dissemination of information protected under the United States of State constitutions, but simply to ensure that the location of newsracks protects the public safety of the Town of Chelmsford. The location of newsracks within a public way shall conform to the following regulations:

(a) No newsrack shall be located within one hundred (100) feet of any school bus stop;
(b) No newsrack shall be located within ten (10) feet of any fire hydrant, fire or police alarm box or other emergency facility;
(c) No newsrack shall be located in such a manner to obstruct the clear movement of pedestrians on a sidewalk;
(d) No newsrack shall be located on a public way on which parking is prohibited;
(e) Failure to comply within thirty (30) days of notification shall be subject to a fine of fifty dollars ($50) for each offense. Each day that such offense persists shall constitute a separate offense. This bylaw may be enforced by any police officer through the noncriminal disposition procedures of Article 1, Section 2 of the Town of Chelmsford General By-laws.

Kathryn Fisher explained that this by-law was basically a public safety issue. Especially around school bus stops. A resident had observed many times a number of cars pulling up to a newsrack on Groton Rd and causing a potentially dangerous situation The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a vote on the article. Motion carried.

Under Article 30. Town Manager Bernard Lynch, moved that the Town vote to appropriate $100,000. for the purpose of financing the following water pollution abatement facility projects: repair, replacement, and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the board of Selectmen is authorized to borrow $100,000. and issue bonds and notes therefor under G.L. c 111,s. 127B ½ and/or Chapter 29C of the General Laws: that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds and notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Town Manager is authorized to enter into project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

Chairman of the Sewer Commission, John Emerson explained that this would enable homeowners to receive a low interest 5% loan for the purpose of repairing a failing septic system while waiting for sewage hook up. A number of septic systems are failing the title 5 regulations, which can cause a economic hardship. The loan is paid off once the property is sold. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a vote on the article. Motion carried, unanimously.

The Moderator asked permission from the Body to continue the meeting because the time was pass 11:00 PM. Motion carried, unanimously.

Under Article 31. Selectman Peter Lawlor, moved that the Town vote to transfer the care, custody, management, and control of the following described parcel of land and easement to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Laws, Chapter 30B, for consideration to be determined, all right, title and interest, if any, held by the Town in a portion of a certain parcel of land located adjacent to 20 Jensen Avenue in Chelmsford, Massachusetts, shown as Assessor's Map No. 95, Parcel No. 94, containing approximately 225 square feet more of less, and an access easement on a portion of the same certain parcel of land containing approximately 2,109 square feet more or less, as more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2328, page 249, and to authorize the Board of Selectmen to file a Home Rule Petition under Article 97 of the Massachusetts Constitution.

The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 32. Town Manager Bernard Lynch, moved that the Town vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent water rights, or any easement or property in fee simple, by purchase, eminent domain, or otherwise, relating to the property located in the Town of Chelmsford, Massachusetts, known as Freeman Lake, for the purpose of constructing and maintaining improvements to the Freeman Lake spillway and dam and controlling the level of water in Freeman Lake; and to see if the Town will vote to raise and appropriate $1000. to defray all necessary costs, fees and expenses in connection with the acquisition of said water rights, easements and/or property and for paying any damages which may be awarded as a result of any such taking.

The Town Manager explained that this was needed in order to secure the water rights for Freeman Lake. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

Under Article 33. Town Manager Bernard Lynch, moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to $300,000. during Fiscal Year 1998.

The Town Manager explained that this would allow the Council on Aging to run the Senior Citizens Trips Program. The Friends of the Senior Center can no longer provide the service due to auditing and insurance requirements. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, motion carried, unanimously.

The Moderator asked that the Representatives clear off their tables. Seeing that there was no further business at hand, the Moderator declared the meeting adjourned and asked for a show of hands, motion carried, unanimously. The meeting adjourned at 11:10 PM.

_____ _____

Dennis E. McHugh, Moderator Mary E. St.Hilaire, Town Clerk

WARRANT FOR ANNUAL
TOWN MEETING OCTOBER 20, 1997

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the twentieth of October, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer and appropriate a certain sum of money to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 3. To see if the Town will vote to appropriate from free cash a certain amount of money for the reduction of the tax rate; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 4. To see if the Town will vote to authorize the revolving fund under Massachusetts General law c. 44, sec. 53E ½ for the Board of Health for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Hepatitis B program. The Board of Health shall be authorized to spend money from the fund for the purpose of acquiring supplies and materials necessary for implementing a Hepatitis B program. Expenditures from the Hepatitis B Revolving Fund shall be limited to $7,500 during Fiscal Year 1998; or act in relation thereto.

SUBMITTED BY: **Board of Health & Town Manager**

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 6. To see if the Town will accept the provisions of Massachusetts General Law Chapter 41, Section 108L, the Career Incentive Pay Program for Police Officers, (also known as the Quinn Bill), which provides for a percentage increase in base salary based on the completion of approved courses or degrees by full-time police officers; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 7. To see if the Town will vote to amend the Fiscal Year 1998 operating budget under Article 2 of the Annual Town Meeting held on April 28, 1997 as follows:
Increase Line Item #1, Municipal Administration Personnel Services, by a certain sum

Increase Line Item #2, Municipal Administration Expenses, by a certain sum

Increase Line Item #3, Chelmsford School Department, by $557,000

Increase Line Item #4, Nashoba Technical High School Assessment, by $16,285

Increase Line Item #5, Public Safety Personnel Services, by a certain sum

Increase Line Item #6, Public Safety Expenses, by $10,000

Increase Line Item #7, Public Works Personnel Services, by a certain sum

Increase Line Item #8, Public Works Expense, by $40,000

Increase Line Item #10, Cemetery Personnel Services, by a certain sum

Increase Line Item #12, Community Services Personnel Services, by a certain sum

And that the Town raise and appropriate or transfer a certain sum from Free Cash to defray such changes; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 8. To see if the Town will vote to appropriate from Free Cash a certain sum of money for the funding of negotiated collective bargaining agreements; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money for the purpose of acquiring in fee simple a certain parcel of land located on Park Place, shown as lot 20 on Assessor's Map 164, containing 10,053 square feet more or less and more fully described in a deed recorded in the Middlesex North District Registry of Deeds in Book 01244, Page 0313, and authorize the Board of Selectmen to acquire said land by purchase, eminent domain, or otherwise; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easement in Chelmsford, Massachusetts, Hart Pond Area, Phase IIIC Sewers dated October, 1997 prepared by Richard F. Kaminski & Associates, Inc.", a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise and appropriate, transfer from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

ARTICLE 11. To see if the Town will vote to amend the General By-Laws Article V, Streets and Sidewalks, by adding the following Section 22, Regulation of Utility Poles:

1. No public or private organization or utility company shall place or allow more than one pole to exist within five feet of another utility pole on any public or private way within the Town of Chelmsford, without the permission of the Board of Selectmen, which may contain conditions. There is excepted from this provision the temporary emergency replacement of a damaged utility pole.

2. Following a public hearing, the Selectmen may issue an order for the removal, relocation or alteration of any utility pole or poles in excess of one at any given location, upon the determination that more than one utility pole at any given location presents a nuisance, hazard or threat to the public safety, welfare or convenience to the inhabitants of the Town.

3. Any organization or utility company which owns or is responsible for a utility pole or poles subject to any order issued by the Selectmen shall fully comply with the terms and conditions of any such order within one hundred and eighty (180) days of the date of its issuance unless such period is extended by the Selectmen in its sole and absolute discretion. In the event of noncompliance with the terms of any order issued by the Selectmen, the Selectmen may take whatever enforcement action it deems appropriate, including, without limitation; the imposition of a fine of three hundred ($300) dollars per day for each day of noncompliance; the application for an injunction restraining the continued existence of any such pole or poles subject to such order; and any other penalties, impositions or relief as the Selectmen may deem necessary.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 12. To see if the Town will vote to transfer the care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain parcel of land on Third Avenue/Fourth Avenue, shown as Lot 69 on Assessors Map 66, containing 3,240 square feet more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6218, Page 62; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 13. To see if the Town will vote to transfer the care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain parcel of land on Willis Drive, shown as Lot 4 on Assessors Map 66, containing 3300 square feet more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6218, Page 60; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 14. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money for the purpose of increasing the revolving fund for off-duty special police detail payments as described in G.L. c. 44, Section 53C; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 15. To see if the Town will vote to accept the provisions of G.L. c. 44, Section 53 F and ½ for the purpose of establishing an Enterprise Fund for the operation of the Tully Forum, and to raise and appropriate, or transfer from available funds a certain sum of money to operate the Tully Forum for the remainder of fiscal year 1998; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 16. To see if the Town will vote to transfer from Free Cash $75,377 to the School Department, said funding coming from Medicaid reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 17. To see if the Town will vote to rescind $232,345 of the authorization to borrow funds under Article 8 of the Annual Town Meeting, held on June 20, 1990; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 18. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to supplement the Reserve Fund for FY98 to be used at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

SUBMITTED BY: **Town Manager & Finance Committee**

ARTICLE 19. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article 2 District Regulations, by amending Section 2300, Use regulations schedule, as follows:

Recreational uses	RA	RB	RC	RM	C	CB	CC	CD	IA	IS	RMH	CX	P	OS
Golf course	BA	BA	BA	BA	BA	BA	BA	BA	O	O	BA		O	O BA

and change it to:

Recreational uses	RA	RB	RC	RM	C	CB	CC	CD	IA	IS	RMH	CX	P	OS
Golf course	BA	BA	BA	BA	BA	BA	BA	BA	O	O	BA		O	P BA

;or act in relation thereto.

SUBMITTED BY: **DPW Director &**
Community Development Coordinator

ARTICLE 20. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article IV, Special Regulations, by adding the following after Section 4900 of the Town of Chelmsford Zoning Bylaw:

Sec. 5000. Facilitated and Independent Senior Living

5010. Intent. Facilitated and Independent Senior Living facilities are allowed in a variety of zoning districts by special permit from the Board of Appeals. The intent of the bylaw is to provide the opportunity for the development of the types of multi-family and communal housing most beneficial for the senior and elder population of Chelmsford.

(a) Facilitated Living facilities provide private or communal lodging for elders requiring limited medical attention or supervision and who ordinarily are ambulatory. These include, but are not limited to Assisted Living facilities, Alzheimer's facilities and Congregate Living facilities.

(b) Independent Senior Living facilities are intended to provide a safe, suitable dwelling unit for a senior couple or individual who are able to live independently. Open Space preservation is an important facet of Independent Senior Living projects, and is meant to provide the residents of the project with opportunities for active and passive recreation.

5020. Standards. The following dimensional standards shall apply to Section 5000 projects.

Minimum Lot Requirements	RM	CA	CB	CC	CD	IA
Area (acres)	5	5	5	5	5	7
Width (ft)	Same as Sec. 2600					
Depth (ft)	Same as Sec. 2600					
Frontage (ft)	Same as Sec. 2600					
Minimum Yard Requirements (ft)						
Front	Sec. 2600 or twice the building height, whichever is greater					
Side	25	40	40	40	40	40
Rear	30	40	40	40	40	40
Building Separation	25	25	25	25	25	25
Maximum Building						
Coverage (percent)	Same as Sec. 2600					
Height (ft)	35	35	35	35	35	35
Open Space Requirements (percent)						
Facilitated Living	10	10	10	10	10	10
Independent Senior Living	10	30	30	30	30	30
Maximum Number of Units per acre						
Facilitated Living	7	7	7	7	7	7
Independent Senior Living(a)	7	4	4	4	4	4

Footnotes for sec. 5020.

(a) Exclusive of open space requirement.
(Tract size minus Open Space Requirement minus wetlands/floodplain not included in Open Space Requirement) times units per acre equals Maximum number of units per tract.

5030. Open Space Requirement
The open space requirement is intended to provide the residents of the facility with opportunities to enjoy outdoor passive and active recreation, and to promote the conservation of open space. The applicant shall provide the Planning Board with a recreational plan which will show how the open space will provide passive and/or active recreation. The recreational plan shall include a plan for the maintenance of any improvements to the open space such as bicycle, equestrian and foot paths.

5031. Definition of Open Space

(a) All land within the tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards or patios.

(b) no more than 50% of the minimum required Open Space shall be situated within a floodplain and/or wetland.

(c) The Open Space shall have a shape, dimension, character and location suitable to enable its enjoyment and use for recreation, conservation or agricultural purposes by the residents of the facility.

5032. Ownership
The Open Space shall be held by the owners of the Independent Senior Living facility, or otherwise as the Planning Board may direct.

5033. Conservation Restriction.
Open Space shall be protected against building development and environmental damage by conveying to the Town a conservation restriction pursuant to Massachusetts General Laws, Chapter 84, section 31-33 which shall be enforceable by the Conservation Commission. The restriction shall specifically prohibit the use of Open Space for all-terrain vehicles, snowmobiles, motorcycles and similar vehicles, except that motorized wheel chairs shall be permitted. It shall prohibit the construction of any above ground structures, buildings, roads and paved areas, except for the maintenance and construction of bicycle, equestrian and foot paths or similar facilities for the benefit of the users, or such other as the Planning Board may permit. Such restrictions shall be in such form and substance as the Planning Board shall prescribe and may contain additional restrictions on development and the use of the Open Space as the Planning Board may deem appropriate.

5040. General Standards

(a) The Board of Appeals shall find that the proposed plan of development is consistent with section 1500.

(b) The entire site shall be a size and shape as shall provide a housing site that will be in harmony with the natural terrain and other features of the site, and will preserve natural vistas and the character of the neighborhood.

(c) No site on a plan for which an approval is granted under this section may be subdivided so as to create additional lots. A notation to that effect shall be shown on the site plan.

(d) Section 5000 projects abutting Residentially Zoned land shall provide a landscaped buffer strip thirty (30) feet in width to provide adequate screening for adjacent properties. No structure, driveway, parking area or sidewalk shall be located in the landscaped buffer strip.

(e) Driveways and sidewalks within the development shall be constructed in accordance with the section 1400 requirements under site plan review, with such waivers, if any, as the Planning Board deems appropriate.

(f) Sidewalks conforming to the Planning Board Subdivision Rules and Regulations shall be required along frontage and both sides of internal roads.

(g) Additional requirements of linking pedestrian circulation systems per section 1425 (m) may be required by the Planning Board.

(h) Buildings shall be designed to be complementary in exterior design with each other and with the existing neighborhood in which the facility is located.

(i) Dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments with the exception of projects in the RM district.

(j) The method(s) of implementing age restrictions of seniors and elders (60 years of age or over) must be to the satisfaction of the Board of Appeals and the Planning Board.

(k) The Planning Board may set additional site security and safety requirements as deemed necessary to ensure the security and safety of the residents of the facility.

(l) Requirements and criteria of Section 4500 shall be demonstrated.

5041. Standards for Independent Senior Living

(a) Units shall contain no more than two bedrooms.

(b) Units shall have a maximum habitable living area of sixteen hundred (1600) square feet.

(c) A minimum of 33% of the units in a project shall comply with ADA accessibility standards to all living areas.

;and amend the Zoning Bylaw, Town of Chelmsford, Article I, Administration and Procedure, Section 1400, Site plan, by adding the following at the end of Section 1423(b): " facilitative or independent senior living facility."

;and amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2300. Use regulations schedule, by adding new categories under residential uses after "Planned

Open Space Residential Development" entitled "Facilitated Living" and "Independent Senior Living" as shown below:

	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Facilitated Living	O	O	O	BA	BA	BA	BA	BA	BA	O	O	O	O	O
Independent Senior Living	O	O	O	BA	BA	BA	BA	BA	BA	O	O	O	O	O

;and amend the Zoning Bylaw, Town of Chelmsford, Article III, General Regulations, Section 3100, Off-street parking and loading, by adding "and independent senior living dwelling." after Section 3120(p) and by adding a new Section after 3120(q) entitled Section 3120(r), as follows:

(r) Facilitated Living. One space for each employee on the shift having the greatest number of employees, plus one (1) space for each visiting staff. When on site parking for the facility's residents is permitted, the parking requirement is eight tenths (8/10) space per room. When on site parking for the facility's residents is not permitted, the parking requirement is one (1) space for each three (3) beds. The site must support the potential for meeting the parking requirement of (d) Business and professional offices in the event of a building conversion, and shall be shown on the site plan as potential future parking.

;and amend the Zoning Bylaw, Town of Chelmsford, Article I, Administration and Procedure, Section 1423 (b), by adding "or facilitated and independent living facility." after "multi-family residential development";

;and amend the Zoning Bylaw, Town of Chelmsford, Article V, Definitions, by adding the following definitions:

Senior or Elder: An individual who is 62 years of age or over.

Assisted Living facility: A facility providing private multi-family dwellings or communal lodging for more than four (4) unrelated elders requiring assistance with the activities of daily living, such as aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks. Defined by M.G.L. c. 19D s. 1

Alzheimer's facility: A facility providing treatment and communal lodging for more than four (4) unrelated persons who have been diagnosed by a medical doctor as having Alzheimer's disease, but who do not require the skilled nursing care typically provided by a nursing home.

Congregate Living facility: A facility providing communal lodging more than four (4) unrelated elders in a non-institutional residential shared living environment which integrates shelter and services needed by the functionally impaired or socially isolated elder who does not require the constant supervision or intensive health care services as provided in a nursing home. The shared living environment shall include at least the following: (a) Shared kitchen facilities; and (b) Shared dining facilities. Each bedroom shall be considered one (1) unit.

Facilitated Living facility: Shall include assisted, Alzheimer's and congregate living facilities.

Independent Living facility: A facility providing independent dwelling for a retired or elderly individual or couple. In addition to bed space, such facilities would ordinarily include private toilet, bath, food preparation facilities and a private dining area.

;or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee.**

ARTICLE 21. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, by deleting Section 2220 as it presently appears:

"2220. Uses not listed. If a particular use is not specifically included in the use regulations schedule, then the board of appeals may determine whether in the district in which an unlisted use is proposed, uses having similar externally observable attributes are or may be permitted, and if so, the board of appeals may authorize such use or uses as a special permit for exception under section 1500.

and replacing it with the following:

"2220. Uses not listed. All uses which are not listed in Section 2300, Use regulations schedule, are prohibited."

;or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee.**

ARTICLE 22. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article III, General Regulations, Section 3300, Signs and Outdoor Lighting, by deleting "fifteen (15) where it appears in Section 3351(c) and substituting "twenty (20)" in its place to read:

(c) Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

and; by deleting Section 3351(e) in its entirety, which reads:

(e) Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

; or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 23. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2700, Floodplain District, by deleting Section 2700 in its entirety and replacing it with the following Section 2700 (*Note: bold print indicates new language to be added):

Sec. 2700. Floodplain District.

2710. Purposes. The purposes of this district are:

(a) To provide the lands in the Town of Chelmsford subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupants thereof.

(b) To protect, preserve, and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the Town of Chelmsford.

(c) To assure the continuation of the natural flow of the water course(s) within the Town of Chelmsford in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

2720. Floodplain district and floodway district boundaries. The floodplain district and floodway district is herein established as an overlay district. The underlying permitted uses are allowed provided they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The floodplain district and floodway district includes all special flood hazard areas designated on **the National Flood Insurance Program, Flood Insurance Rate Map for the Town of Chelmsford, prepared by the United States Department of Housing and Urban Development, Community Panel Number 250188 0005B-0015B dated June 4,1980** on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission. These maps as well as the accompanying Chelmsford flood insurance study, dated December, 1979, are incorporated herein by reference.

2725. Base Flood Elevation and Floodway Data

(a) **Floodway Data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the map entitled " Chelmsford Floodplain and Floodway District Map, 1980" prepared by O'Connell and Associates shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. This map is incorporated herein by reference.**

(b) Base Flood Elevation Data. Base flood elevation data must be generated by applicants, based upon a study, for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

2730. Notification of Watercourse Alteration
Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

(a) Adjacent communities

(b) Bordering States

(c) NFIP State Coordinator
Massachusetts Office of Water Resources
100 Cambridge Street
Boston, MA 02202

(d) NFIP Program Specialist
FEMA Region I, Room 462
J. W. McCormack Post Office and Courthouse
Boston, MA 02109

2740. District use regulations.

2741. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non- structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, "Flood Resistant Construction");

(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

(c) Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);

(d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2742. In the floodplain district no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling, or earth transfer or relocation shall be permitted; nor any land, building, or structure used for any purposes except:

(a) Conservation of water, plants, and wildlife.

(b) Outdoor recreation, including play areas, nature study, boating, fishing and hunting, where otherwise legally permitted, but excluding buildings and structures.

(c) Noncommercial signs (as permitted in the residential districts), wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern of watercourses.

(d) Grazing and farming, including truck gardening and harvesting of crops.

(e) Forestry and nurseries.

2742a In the floodway, designated on the Chelmsford floodplain and floodway district map, the following provisions shall apply:

(1) All encroachments including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

(2) Any encroachment meeting the above standard shall comply with the floodplain requirements of the state building code.

(3) If a property owner questions the location of a floodplain or floodway district, the owner may engage at his own cost a registered licensed surveyor with the approval of the town engineer to determine if the land in question is within the floodplain or floodway district. The landowner shall be responsible for the cost for this determination. **The board of appeals, in consultation with the town engineer, shall decide whether or not to accept the surveyor's determination.**

(4) **No new building or portion thereof located within the Floodplain District, shall be allowed to connect to the municipal wastewater system or to a private wastewater system which discharges to the municipal wastewater system.**

2743. The portion of any lot within the area delineated in subsection 2720 above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated.

2750. Exemptions. In the floodplain district, the board of appeals may grant a special permit for exception for uses or structures in addition to those allowed under section 2740, subject to the following:

(a) The request has been referred by the applicant to the planning board, the town engineer, the board of health, and the conservation commission for review and recommendation as provided in Section 11, Chapter 40A, M.G.L.;

(b) (b) The land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrologic and/or topographic conditions;

(c) The proposed use will not be detrimental to the public health, safety, and welfare; and

(d) The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located; and,

(e) Any loss of floodplain or floodway shall be compensated for at a similar elevation within the same local watershed.

;or act in relation thereto.

SUBMITTED BY: **Community Development Coordinator**

ARTICLE 24. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article IV, Special Regulations, Section 4800, Aquifer Protection District, by deleting Section 4800 as it presently appears:

SECTION 4800 AQUIFER PROTECTION DISTRICT

4810. Purpose. The purpose of an aquifer protection district, hereinafter known as APD, is to protect the public drinking weater supply and the public health by preventing the contamination of Chelmsford's groundwater.

4820. Aquifer protection district[; boundaries.] The APD is established as an overlay district to the town's zoning map. This APD was defined by the surficial geology of the area and grounwater flow (based on a U.S. Geological Survey Surficial Geology Map and the Chelmsford Facilities Plan by Weston and Sampson Engineers, Inc.). Any area in which groundwater flow is directed toward a well and the surficial geology is stratified sand and gravel deposits (soils which yield groundwater to wells) is included in the APD.

If a property owner questions the location of any boundary of an APD, the owner may engage at his own cost a professional hydrogeologist or soils engineer who must be approved by the planning board of the town, to determine if the land in question is in a recharge area.

4830. Use regulations. The use schedule for all zoning districts shall apply, except as modified in this section. In all cases the more stringent provision shall apply.

Cross references- Use regulations, section 2200; use regulations schedule, section 2300

4831. The following uses are prohibited in the APD

(a) The manufacture, use, storage, transport, or disposal of toxic or hazardous materials as a principal activity.
(b) Solid waste disposal facility, sanitasry landfill, refuse incinerator, salvage yard, junk yard, storage yard, road salt stockpile.
(c) Truck/bus terminals and contractor's yards with more than ten (10) vehicles, service station and auto repair shops.
(d) Car washes, or coin -operated and commercial launderies, where not connected to public sewers.
(e) Subsurface storage of toxic or hazardous materials, fuel oil or gasoline.
(f) Solid waste disposal or sewage treatment facilities with onsite disposal of the effluent, unless tertiary treatment is used.

4832. The following uses require a special permit from the planning board within the APD:

(a) Above ground storage of more than five hundred (500) gallons of toxic or hazardous materials, fuel oil or gasoline.
(b) Any residential use with lot size less than the intensity use schedule requires for that particular residential zone.
(c) Any use except for residential with an estimated sewage disposal greater than ten (10) gallons of sewage per day per one thousand (1,000) square feet of lot area, based on Title V of the State Environmental Code, 310 CMR 15.00.
(d) Any use which renders impervious more than fifty (50) percent of the total lot area.

4840. Special Permits. Special permits may be granted by the planning board, if the requirements of the APD are met and if the granting of such a permit follows the general intent of the zoning by-law. Prior to granting a special permit, the planning board shall review the proposed control measures and shall determine if these control measures are adequate with respect to possible groundwater contamination if a failure occurred. If the planning board denies a special permit, the reason for denial must be stated. After receiving a special permit application, the planning board shall distribute one (1) copy each to the board of health, the conservation commission and the building inspector for their review. If a response is not received within thirty-five (35) days by these agencies, the planning board will assume the agency approve. A spcial permit may be granted by the planning board, if, after review of the applications and comments from the board of health, the conservation commission and the building inspector, the planning board finds that the groundwater quality will not fall below state or federal drinking water standards, or if the groundwater quality is below these standards no further degradation of the water will occur.

4841. Special permit application. Eleven (11) copies of the special permit application shall be submitted to the planning board in accordance with section 1250. In addition, the application shall include:

(a) A complete list of all fuels, chemicals, pesticides, and other potentially toxic or hazardous materials which are being used or stored on the premises in quantities greter than average household use.
(b) Detailed plans shall be submitted of the storage tank or pipeline being used to store or transport the toxic or hazardous materials, fuels, chemicals or pesticides. These plans should also show how the storage tank or pipeline is protected from corrosion, leaks, spills, and vandalism.
(c) Evidence of qualified professional supervision of the design and installation of above and below ground storage of toxic and hazardous materials.
(d) Evidence of qualified professional supervision of the design and installation for any use with an estimated sewage flow greater than one thousand (1,000) gpd (other than single family). Impacts of nitrates, chlorides, and coliforms on groundwater quality must also be addressed.

Cross reference- Application procedure for special permits or variances, section 1250.

and replacing it with the following Section 4800:

SECTION 4800 AQUIFER PROTECTION DISTRICT

4810: Purpose of District
Groundwater is the sole source of drinking water to the residents, businesses and industries of the Town of Chelmsford. The purpose of the Aquifer Protection District is to protect the health, safety, and general welfare by protecting the Town's limited present and future drinking water supply; to ensure a sufficient quantity of potable pure drinking water for the present and future residents, institutions, and businesses of the Town of Chelmsford; and to limit the adverse effects of use and development of land on the quality of the groundwater and surface water resources of the Town of Chelmsford.

4820: Scope Of Authority
The Aquifer Protection District is an overlay district superimposed on the zoning districts and whose regulations are in addition to any other regulations established by this Bylaw. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Aquifer Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

4830: Definitions
For the purposes of this section the following words and phrases shall have the following meanings:

AQUIFER - Geologic formation composed of rock, sand, gravel or other geologic material that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE - Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

TOXIC OR HAZARDOUS MATERIAL OR WASTE- Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Chelmsford. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21 C and 21 E and 310 CMR 30.00. For the purposes of this section, sanitary domestic wastes from residential sources shall not be considered toxic or hazardous waste.

4840: Establishment and Delineation of Aquifer Protection District:
There is hereby established within the Town of Chelmsford the Aquifer Protection District. This area is described on a map prepared by Dufresne-Henry Inc., entitled "Town of Chelmsford Town Wide Zone II Delineation" and dated July 1995. All areas shown to be within the Zone II shall be considered to be within the Aquifer Protection District. Said map is incorporated herein by reference.

4850: District Boundary Disputes
If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Zoning Board of Appeals (ZBA). Any application for a special permit for this purpose shall be accompanied by adequate documentation according to the normal application requirements of the Board of Appeals. If the applicant is able to demonstrate that groundwater flows will not be impacted by the activity on the site, or that groundwater from the site does not contribute to the aquifer, the Board may grant a special permit relieving the applicant of the obligations of the Aquifer Protection District.

The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the Town may engage a registered professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all, or part of the cost of the investigation.

4860: Use Regulations
In the Aquifer Protection District, the following regulations shall apply:

(a) Permitted Uses

The uses permitted within the Aquifer Protection District shall be the uses permitted in the underlying zoning district, and not prohibited by Table 4860(b) below. In the following Table of Use Regulations "O" indicates the use is prohibited, "P" indicates that the use is permitted, and "PB" indicates that the use may only be permitted by a Special Permit from the Planning Board.

TABLE 4860 (b)

USE REGULATIONS WITHIN THE AQUIFER PROTECTION DISTRICT

1. Sanitary landfill/solid waste disposal site, refuse treatment and disposal facility, landfilling of sludge and septage, storage of sludge and septage.	O
2. Generation, treatment, disposal or storage of Toxic or Hazardous Materials or Waste, except for the following: a) municipal uses associated with the provision of public water and sanitary sewer services; b) very small quantity generators, as defined by 310 CMR 30.00; c) waste oil retention facilities required by MGL Ch. 21 S. 52A; d) treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters; e) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390	O
3. Motor vehicle repair facility	PB
4. Automobile graveyards and junkyards as defined in MGL Ch 140B, s. 1	O
5. Car, truck and equipment washing facility where all wastewater discharges to the municipal sewer system or to a private sewer which discharges to the municipal sewer system.	PB
6. Commercial laundries not connected to the municipal sewer system or to a private sewer which discharges to the municipal sewer system.	O
7. Dry cleaners with on-site cleaning facilities	O
8. Furniture/wood stripping, painting & refinishing	PB

9. Disposal of snow contaminated with deicing chemicals and originating from outside the district — O

10. Outdoor storage of fertilizer, animal manure, soil conditioner, pesticide, herbicide and deicing chemicals — O

11. Chemical, bacteriological or radiological laboratory or production facility — O

12. Treatment disposal works for non-sanitary wastewater that are subject to 314 CMR 5.00, except replacement or repair of existing treatment works that will not result in a design capacity greater than the existing treatment works, or treatment works approved by Mass. Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water, or treatment works for pretreatment of industrial discharges to the municipal sewer system — O

13. Individual sewage disposal systems designed and/or maintained in accordance with the current requirements of Title 5 (310 CMR 15) — P

14. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads or utility works — O

15. The enclosed storage of road salt or other deicing chemicals — PB

16. Modification of groundwater flow through use of underdrains or similar devices, except that a Special Permit shall not be required to maintain, modify or expand single family residential structures lawfully in existence on the effective date of this section — PB

17. Enlargement or alteration of existing uses that do not conform to the Aquifer Protection District — PB

18. Storage of hazardous materials as defined in MGL Ch. 21E, and/or liquid petroleum products unless such storage is: — O
    (a) above ground level, and
    (b) on an impervious surface, and
    (c) either
        (i) in container(s) or above ground tank(s) within a building or
        (ii) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity,

whichever is greater; however, these storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements

19. The construction of dams or other water control devices, ponds, or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements	PB
20. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater (see section 4860(c))	PB
21. Any discharge to the ground through an interior floor drain.	O

(c) Lot Coverage

Any use proposed to render impervious more than 15% or 2500 square feet of any lot, whichever is greater, shall be subject to a Special Permit from the Planning Board. On any such lot a system for groundwater recharge must be provided which does not degrade groundwater quality. Any project drainage design that satisfies the Stormwater Policy issued by the Department of Environmental Protection, dated 11/18/96, and as amended, shall be sufficient to satisfy the requirements of this section.

4870: Procedures for Issuance of Special Permits

(a) Special Permit Granting Authority

The Special Permit granting authority under this section of the Zoning By-Law shall be the Planning Board, acting under the Site Plan Review Process, Section 1400. The Planning Board may issue a special permit if it determines that the intent of this by-law, as well as its specific criteria, are met.

(b) Findings

The Planning Board may grant the Special Permit upon a finding that the proposed use meets the following standards, those specified in Section 4860, and any regulations or guidelines adopted by the Planning Board. The proposed use must:

1. in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Aquifer Protection District; and

2. be designed to avoid substantial disturbances of the soils, topography, drainage, vegetation and other water related natural characteristics of the site to be developed which

are likely to affect existing or potential quality or quantity of water that is available in the Aquifer Protection District.

;or act in relation thereto.

SUBMITTED BY: **Community Development Coordinator**

ARTICLE 25. To see if the Town will vote to amend the Zoning By-law, Town of Chelmsford, Article V, Definitions, Lot area, by deleting "eighty (80)" where it currently appears and replacing it with "ninety (90)"; or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 26. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the following Town-owned parcels from their current zoning classification to P Public:

1) Elm Street and Park Road. Map 234; Lot 5, change from RB Single Residence to P Public.

2) Park Road, Park Place and Farley Brook Road. Map 164; Lots 1 & 16, change from RB Single Residence to P Public.

3) Bartlett Street, Map 170; Lots 19 & 80, change from CD General Commercial to P Public;

4) Boston Road, Map 170; Lot 15, change from RB Single Residence to P Public.

;or act in relation thereto.

SUBMITTED BY: **Community Development Coordinator**

ARTICLE 27. To see if the Town will vote to amend the Zoning By-law, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 162A, 162B, 164, 166, 168, 170, 172 & 174 Mill Road, Map 137, Lots 20, 21, 22 & 23 from P Public to RC General Residence; or act in relation thereto.

SUBMITTED BY: **Community Development Coordinator**

ARTICLE 28. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 143 and 145 Littleton Road, Map 190; Lots 2 & 4, change from P Public to RB Single Residence; or act in relation thereto.

SUBMITTED BY: **Community Development Coordinator**

ARTICLE 29. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 95 Boston Road & Acton Road, Map 169; Lot 9, from RB Single Residence to RA Single Residence; or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 79 Elm Street, Map 232, Lot 30, from RB Single Residence to RA Single Residence; or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 31. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a certain sum of money for the purpose of acquiring in fee simple a certain parcel of land located on Oak Hill Road, shown as lot 1 on Assessor's Map 77, containing 66.37 acres more or less and more fully described in a deed recorded in the Middlesex North District Registry of Deeds in Book LCD10, Page 5995; and a certain parcel of land located on Tyngsborough Road, shown as lot 2 on Assessor's Map 8, containing 10.8 acres more or less and more fully described in a deed recorded in the Middlesex North District Registry of Deeds in Book 2560, Page 143 and authorize the Board of Selectmen to acquire said parcels of land by purchase, eminent domain, or otherwise; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 6th day of October, 1997.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Peter V. Lawlor , Chairman

William F. Dalton , Vice Chairman

Philip Eliopoulos, Clerk

Stuart G. Weisfeldt

Susan J. Gates

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 20, 1997:

Thursday, October 23, 1997 at 7:30 p.m.

Monday, October 27, 1997 at 7:30 p.m.

Thursday, October 30, 1997 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. October 07, 1997

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gymnasium, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

WARRANT FOR SPECIAL
TOWN MEETING OCTOBER 23, 1997

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the twenty-third of October, at 7:45 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money for the purpose of purchasing temporary housing in order to address the issue of large class size.

SUBMITTED BY: **Petition**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 6th day of October, 1997.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Peter V. Lawlor , Chairman

William F. Dalton , Vice Chairman

Philip Eliopoulos, Clerk

Stuart G. Weisfeldt

Susan J. Gates

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Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

ANNUAL TOWN MEETING
OCTOBER 20, 1997

The Annual Town Meeting was called to order at the Senior Center by the Moderator Dennis E. McHugh, at 7:35 PM, who recognized the presence of a quorum. There were 148 Town Meeting Representatives present. The Moderator asked the Body to rise as the band from the McCarthy Middle School played the Star Spangle Banner. He then announced various community events that would be happening the upcoming weekend and in the future. He pointed out the fire exits located within the hall.

Selectman Peter Lawlor moved that the reading of the Constable's return of the warrant be waived. **Motion carried, unanimously**. Selectman Peter Lawlor moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

UNDER ARTICLE 1. Selectman Peter Lawlor moved that the Town vote to hear reports of the Town Officers and Committees.

Town Manager Bernard Lynch gave a progress report as required by town meeting vote, on the different projects that were approved and on going throughout the Town. The Community Action program which is a program to encourage civic improvement projects throughout the Town. So far, $4,800.00 has been spent from the appropriated amount of $10,000. This program has assisted in leveraging private funds and private efforts to do three projects in Town. The Harmony Park in East Chelmsford, tree planting at the Southwell Field and an eagle scout project for benches at the McCarthy School. The Adams Library expansion has starting to move forward. Bids will go out in the next couple of months. Construction should began in the late winter early spring with a completion date of the summer of 1999. The $100,000.00 which was approved for design work for the Police Station resulted in looking at a number of different objections which has stalled the project a little. However, plans are moving forward with the architectural work which should be ready for the Spring Town Meeting. No sale had yet been completed on the Town owned land off Kensington Dr due to not being able to reach an agreement with the abutter. The traffic signal at Drum Hill has been completed. The signal is on the City of Lowell property with the agreement that the Town would maintain it. The traffic signal was paid for by the developers in the Drum Hill area. Regarding the North Town Hall there has been a committee appointed that will later give an update. The sale and marketing has been put on hold in agreement with this body. The Town is looking at the feasibility of what the building can be used for and the costs of renovating it. The graffiti by-law that was passed has been helpful. Haven't actually had to use it to enforce anything but the police work with it and with the property owners to make sure that graffiti is removed from private property as quickly as possible and the property owners have been extremely cooperative. He then explained that the North Town Hall Committee along with the Arts and Technology Education Committee would give their brief reports, then he would resume with a overview of the Town's finances and that would conclude his report.

Evelyn Thoren of the Arts and Technology Education Committee reported that there had been seventeen applications and from those, five awards were issued. Barbara Costello at the

Byam 1st grade, a science center. Mark Johnson a classroom computer for computer interaction program at the Parker for grades 5-8. The Westland School Council, a Wireless Microphone system at the Westlands School, K to 4th grade. Betty and Michelle Gagnon at the Parker had an application for Life in the Middle School. A mural that depicts the different aspects that goes on in the Parker School. Jill Everleigh, Byam Kindergarten, writing boxes for a kindergarten program. Theses projects are not in any school's budgets. The applications for 1998 will be available the first of the year, and are due March 1st. The awards will be made in June. Currently the fund has a balance of $14,000, which is invested in CD's. So far this first year, $2,500. in awards had been issued and $2000. has been received since those awards were made.

Jeff Stallard of the North Town Hall Feasibility Committee began his report by thanking the Town Manager and his staff for all the assistance that they supplied from information to making arrangements for removing the various items that were stored in the building. He then thanked Sheriff DiPaola who had supplied prisoners from the Middlesex County System. The prisoners worked for eight days doing renovation, in return the Town had to supply their lunch. There was an open house this past Saturday, October 18th from 9 am to 12 noon at which time the work done in the building was viewed. Planning on another open house in the Spring. The Committee's mission statement is to preserve the integrity of the North Town Hall for service to the residents of Chelmsford, as in the past, for the present and with the future. He said that the Committee had accomplished phase 1 of cleaning up and cleaning out. Phase 2 will be from the winter of 1997 to the summer of 1998. The goal will be to assess and make renovation plans, seek community awareness and support. Phase 3 will be ongoing from the winter of 1998- winter of 1999 conduct renovations and encourage community involvement. Grand opening and the community occupying is planned for the year 2000. He closed by presenting to Selectman Philip Eliopoulos a certificate of appreciation for his family, who's generous donations had supplied the required lunches for the prisoners for eight days.

The Town Manager then gave the financial status of the Town. When the Town Meeting ended in April there was a estimated deficit of $65,439. knowing that there would be additional revenue coming in from State aid and Local taxes. He then showed the total revenue amounts that have come in:

$275,000 in local taxes, $392,000 in state aid from state legislation for education reform for the Charter School and $282,527 in miscellaneous receipts, which are motor vehicle excise tax and building permits. For a total of $950,172. minus a total expense of $94,000 due to being in the process of reevaluations more abatement money may be needed. The total amount of $790,733. will be on hand for tonight's meeting to deal with many of the issues that have been the plans and goals of the Selectmen and the body. When done there will be a balance of $47,505. in free cash and a budget balance of $7,793.

The Manager said it was a good plan. The Town works hard to live within its needs and not to over extend ourselves either now or in the future. Act in a planned and careful fashion as we make our investment and financial decision.

The Moderator announced that William Curry was his latest appointment to the Finance Committee. Mr Curry was replacing Barbara Skarr who had resigned the past summer.

UNDER ARTICLE 2 Town Manager Bernard Lynch moved that the Town vote to transfer the sum of $250,000 from Free Cash to the Stabilization Fund.

The Town Manager explained that this would amount to $3,000,000 accumulated in the fund and Bond Counsel looks at this. The future projects of the Center School, Library, and Police Station when on line will have an impact of the budget. When the time comes money will be transferred in order to keep balance of service and revenue for the Town. He asked for support of the article. John Wilder questioned how money is invested? The Manager explained that the Town Treasurer invests in long term 12-18 months deposits. Are they insured? Yes, the funds are invested in various places, not all in one place. Glenn Thoren questioned what the possible problems was regarding state reimbursements. The Manager explained that the reimbursements regarding the Center School project may not come in a timely manner, and the Town may have to provide the funding until the reimbursements are returned. The Finance Committee was in favor of the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 3. Town Manager Bernard Lynch moved that the Town vote to appropriate the sum of $750,000 from Free Cash to reduce the 1998 tax rate.

The Town Manaager explained the purpose of the article. This money was to be used to level off taxes, the same as was done last year. This amount results as a savings of 35 cents per $1000. on the tax rate. The average house is valued at $170,000.00 which amounts to a $50-$60 dollar savings. He said since 1981 it has been the budgetary practice of the Town to increase the budget by 2 ½ % . The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 4. Peter Dulchinos, Member of the Board of Health, moved that the Town vote to authorize the revolving fund under Massachusetts General law c. 44, sec. 53E ½ for the Board of Health for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Hepatitis B program. The Board of Health shall be authorized to spend money from the fund for the purpose of acquiring supplies and materials necessary for implementing a Hepatitis B program. Expenditures from the Hepatitis B Revolving Fund shall be limited to $7,500 during Fiscal Year 1998.

The Town Manager explained that this was the continuation of the program that was established at last year's Town Meeting. Each year it must be approved. The amount offsets the cost of implementing the program. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 5. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate $22,915 with which to pay bills of previous fiscal years.

The Town Manager explained that the fiscal year closes on June 30th. This amount represents the total of the various bills received after that date. $20,438 for Ma Electric bill from the School Department. $1,180.00 for a printing bill from the Finance Committee. $1004.00 for a miscellaneous bill and $293.00 for a late medical from Public Safety. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 6. Town Manager Bernard Lynch moved that the Town vote to accept the provisions of Massachusetts General Law Chapter 41, Section 108L, the Career Incentive Pay Program for Police Officers, (also known as the Quinn Bill), which provides for a percentage increase in base salary based on the completion of approved courses or degrees by full-time police officers.

The Town Manager said that the Quinn Bill encourages continuing education for Police Officers. When an officer receives a degree in criminal justice their pay is increased a certain percentage mattering on the degree. Currently the patrolmen receive an 5% increase in their base pay for an associates degree, 10% increase for a bachelor and 12 ½ % for a master. The Quinn bill mandates that the increases in base pay be 10%, 20% and 25% for the degrees. The State will reimburse the Town for the increased difference. This article is the result of the settlement of the patrolmen's contract concerning education benefits. He explained that the figure shown in article 7 reflects the settlement cost of the contract. Other issues were sick leave, fitness program, if Patrolmen become certified EMT's they will receive an additional $800.00. Also there was a retro payment for a grievance that had been filed. He asked for support of this article and article 7. George Ripsom asked what the bottom line increase would be? $90,000. When does the Quinn bill go into effect? Next fiscal year. The Finance Committee supported the article. A majority of the Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 7. The Town Manager explained that due to settlement of the Clerical Union contract, increases in salaries were made in the departments shown. Under the Municipal Administration Personnel Services and Expenses the Data Processing Department was being upgraded in-house,. He estimated the cost of $15,000. for updating of the property maps and recodification of town's by-laws. The settlement of the Teacher's contract was the reasoning for the increase in the School Department. Glenn Thoren asked why there are two articles, the figure listed in this article plus the next article. The Manager explained that the figure shown in this article represented a one time bonus agreement. The Finance Committee recommended the article. The Board of Selectman recommended the article. Kathryn Fisher moved to take Article 7 out of order and move it to immediately following the Special Town Meeting of Thursday October 23, 1997. She felt that the portable classroom issue of the Special Town Meeting should be addressed before any further money is raised and appropriated or transferred. The Finance Committee did not recommend the motion to table. The Board of Selectmen unanimously did not recommend tabling the article. John Wilder asked if action from

this meeting could be reconsidered at the Special Town Meeting. The Moderator explained that once this meeting is adjourned tonight nothing can be reconsidered on any of the articles voted. However, an article can be brought back for reconsideration any amount of times during the meeting it was voted in. He asked for a show of hands on the motion to table. **Motion defeated**. He then asked if there was the need of further debate, hearing none he asked for the vote by way of a show of hands, **motion carried.** The article reads as follows:

Town Manager Bernard Lynch moved that the Town vote to amend the Fiscal Year 1998 operating budget under Article 2 of the Annual Town Meeting held on April 28, 1997 as follows:

Increase Line Item #1, Municipal Administration Personnel Services, by $22,200

Increase Line Item #2, Municipal Administration Expenses, by $50,000

Increase Line Item #3, Chelmsford School Department, by $557,000

Increase Line Item #4, Nashoba Technical High School Assessment, by $16,285

Increase Line Item #5, Public Safety Personnel Services, by $97,000

Increase Line Item #6, Public Safety Expenses, by $10,000

Increase Line Item #7, Public Works Personnel Services, by $5,300

Increase Line Item #8, Public Works Expense, by $40,000

Increase Line Item #10, Cemetery Personnel Services, by $600

Increase Line Item #12, Community Services Personnel Services, by $20,100

And that the Town raise and appropriate $759,025, and transfer $60,000 from Free Cash to defray such changes.

UNDER ARTICLE 8. Town Manager Bernard Lynch moved that the Town vote to appropriate from Free Cash the sum of $450,000 for the funding of negotiated collective bargaining agreements.

The Manager explained that this is the settlement of the Teacher's Union contract. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 9. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate $1,000 for the purpose of acquiring in fee simple a certain parcel of land located on Park Place, shown as lot 20 on Assessor's Map 164, containing 10,053 square feet more or less and more fully described in a deed recorded in the Middlesex North District Registry of

Deeds in Book 01244, Page 0313, and authorize the Board of Selectmen to acquire said land by purchase, eminent domain, or otherwise.

The Town Manager explained that this land abuts the Chelmsford Country Club. It doesn't have much value due to it being pretty wet because of this it has an assessed value $5900. The amount of $1000. was based on the legal cost involved to obtain the land plus the fact that the land is wet. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands. **He declared the vote passed based on the 2/3's rule**.

UNDER ARTICLE 10. John P. Emerson Jr, Chairman of the Sewer Commission, moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easement in Chelmsford, Massachusetts, Hart Pond Area, Phase IIIC Sewers dated October, 1997 prepared by Richard F. Kaminski & Associates, Inc.", a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and for paying any damages which may be awarded as the result of any such taking.

John Emerson came forward to answer any questions, hearing none the Moderator asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously**.

Selectman Peter Lawlor moved that the reading of Article 11 be waived. The Moderator asked for a show of hands on the motion, **motion carried, unanimously**.

UNDER ARTICLE 11. Selectman William Dalton explained the article and said that there are presently 270 double poles in Town. Presently the Towns of Wilmington and Maynard have the same by-law. George Ripsom didn't feel that there was any real hazard and ineffective. Selectman Dalton said that some of these poles have been like this for ten years, and that there is no need for this. Bill Curry questioned who would be responsible for the enforcement? The Town Manager said that the Police and Building Inspector. Questions were asked about future developments being in jeopardy. Selectman Dalton said that the utility companies have ignore the Board's request to removed the double poles. This by-law would allow the Selectman to hold a public hearing process and a time period that would force the utility company to act on an order issued by the Selectmen. The Moderator asked for the Finance Committee's recommendation. The Board stated that they couldn't give one at this time because they didn't have any expertise in this matter. The Board of Selectmen enthusiastically recommended unanimously the article. A number of Representatives spoke in favor. George Ripsom questioned if it would be forcible. Town Counsel John Georgio said once approved by the A.G. as an by-law it will be enforceable, by way of the hearing process of the Board of Selectmen.

The Moderator asked for a vote by a show of hands. The motion carried and the article reads as follows:

Selectman Peter Lawlor moved that the Town vote to amend the General By-Laws Article V, Streets and Sidewalks, by adding the following Section 22, Regulation of Utility Poles:

1. No public or private organization or utility company shall place or allow more than one pole to exist within five feet of another utility pole on any public or private way within the Town of Chelmsford, without the permission of the Board of Selectmen, which may contain conditions. There is excepted from this provision the temporary emergency replacement of a damaged utility pole.

2. Following a public hearing, the Selectmen may issue an order for the removal, relocation or alteration of any utility pole or poles in excess of one at any given location, upon the determination that more than one utility pole at any given location presents a nuisance, hazard or threat to the public safety, welfare or convenience to the inhabitants of the Town.

3. Any organization or utility company which owns or is responsible for a utility pole or poles subject to any order issued by the Selectmen shall fully comply with the terms and conditions of any such order within one hundred and eighty (180) days of the date of its issuance unless such period is extended by the Selectmen in its sole and absolute discretion. In the event of noncompliance with the terms of any order issued by the Selectmen, the Selectmen may take whatever enforcement action it deems appropriate, including, without limitation; the imposition of a fine of three hundred ($300) dollars per day for each day of noncompliance; the application for an injunction restraining the continued existence of any such pole or poles subject to such order; and any other penalties, impositions or relief as the Selectmen may deem necessary.

UNDER ARTICLE 12. Selectman Peter Lawlor moved that the Town vote to transfer he care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen o convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be letermined, all right, title, and interest, if any, held by the Town in a certain parcel of land on Third Avenue/Fourth Avenue, shown as Lot 69 on Assessors Map 66, containing 3,240 square eet more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6218, Page 62.

The Town Manager explained that the value of the land according to the Assessors is 3.400. Through the bidding process abutters will be notified. John Wilder questioned what the ninimal bid would be? The value price. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. The Moderator asked for a show of ands, **motion carried, unanimously**.

UNDER ARTICLE 13. Selectman Peter Lawlor moved that the Town vote to transfer the care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain parcel of land on Willis Drive, shown as Lot 4 on Assessors Map 66, containing 3300 square feet more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6218, Page 60.

The Town Manager said that the value for this piece of land is $3,600, based on Assessors appraisal. However, there will be a deed restriction. Will there be a set time to go out for the bid? The Manager said probably in November. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 14. Town Manager Bernard Lynch moved that the Town vote to transfer $ 20,000 from Free Cash for the purpose of increasing the revolving fund for off-duty special police detail payments as described in G.L. c. 44, Section 53C.

The Town Manager explained that over 13 years ago (prior to him being with the Town) this fund was set up. The current yearly appropriation is $25,000. It is an inadequate amount with the new cycle of billing. During the past summer there was an incident regarding the detail monies payment due from UPS. The Police Officers weren't paid in a timely manner, therefor the checks couldn't be released. The issue has since be resolved. There is a need to bring the account up to a more realistic amount.. Also the auditors feel that the present amount is not enough. The current billing system works well and it should be continued. George Ripsom questioned if there has been problems in the past? The Manager responded Yes, numerous times for a short period. Chief Armand Caron recommended the article. This account actually started 20 years ago with the amount of $2,000. The Town says that the details have to be Police personnel. There is a service charge of 10% so the Town makes money for the amount sitting in the account. The Finance Committee did not recommend the article. A majority of the Selectmen were in favor of the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 15. Town Manager Bernard Lynch moved that the Town vote to accept the provisions of G.L. c. 44, Section 53 F and ½ for the purpose of establishing an Enterprise Fund for the operation of the Tully Forum, and to transfer $200,000 from Free Cash to operate the Tully Forum for the remainder of fiscal year 1998.

Selectman Peter Lawlor explained the article. The Commonwealth will give the Tully Forum Ice Skating Facility to the Town. This is an outright gift. This article would allow the Town seed money to get under way a revolving account. Will be used for start up cost, ultimately will be paid back through ice time rental.. Will hire a management company to run and operate the facility. John Wilder questioned if this would be an appropriate enterprise? Selectman Lawlor said the Board of Selectmen unanimously supported the article. The

recreational use is worthwhile. John Wilder asked about the liability issue. The Town Manager said that the standard practice would be used. A group provides a certificate of assurance naming the Town and the Town will have it's own Certificate at a cost of approximately $3,500. Jim Doukszewicz asked if any Town employees would be involved? No, only the management company employees. Leonard Richards asked if there would be public skating time. Yes, time will be set aside. Roger Sumner wanted to know if UPS had expressed interest in the facility for expansion of their property, Selectman Lawlor said he wasn't aware of this. Roger Sumner wanted to know what would happen if the Town didn't take over the property. It was explained that the State would have to declare it as surplus property, then it would go out onto the open market and sold. There is a lengthy time period for DCPO to do this and the facility would sit there unattended. John Wilder asked if the property was in Billerica. Selectmen Lawlor said that the building was but the parking lot and acreage is in Chelmsford. This would not bar the Town from inquiring ownership. Once done the Manager and the Board will discuss moving the Town's boundary line. If this happened then the maintenance and fixing of Brick Kiln Road would be taken care of, especially since most of the vehicle traffic is connected to the UPS facility in Chelmsford. John Wilder asked if the Town would have to pay some kind of fee to Billerica? Selectman Lawlor replied that there would be no fee to Billerica. The Town Manager said the bill is still in legislation process, but may include the equipment as part of the deal. Also the State was aware that Billerica already has an ice rink so Chelmsford was the logical choice. . The Moderator asked for a show of hands, **Motion carried, unanimously**.

UNDER ARTICLE 16. Town Manager Bernard Lynch moved that the Town vote to transfer the sum of $75,377 from Free Cash to the School Department, said funding coming from Medicaid reimbursements.

The Town Manager explained that this had been a done last year. The agreement with the School Department is that if they track down the Medicare money it is return to the Town then transferred to the School Department. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 17. Town Manager Bernard Lynch moved that the Town vote to to rescind $232,345 of the authorization to borrow funds under Article 8 of the Annual Town Meeting, held on June 20, 1990.

The Town Manager explained that the money was appropriated to do handicap accessibility at the schools. The project was completed without the use of this money. This article is to remove it from the books. The Finance Committee recommended the article. The Selectman were in favor of the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 18. Town Manager Bernard Lynch moved that the Town vote to transfer $ 45,000 from Free Cash to supplement the Reserve Fund for FY98 to be used at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Town Manager explained each year the Town appropriates money for the Finance Committee use. To be used for transfers of funds for emergency unforeseen events. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 19. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article 2 District Regulations, by amending Section 2300, Use regulations schedule, as follows:

Recreational uses	RA	RB	RC	RM	C	CB	CC	CD	IA	IS	RMH	CX	P	OS
Golf course	BA	BA	BA	BA	BA	BA	BA	BA	O	O	BA	O	O	BA

and change it to:

Recreational uses	RA	RB	RC	RM	C	CB	CC	CD	IA	IS	RMH	CX	P	OS
Golf course	BA	BA	BA	BA	BA	BA	BA	BA	O	O	BA	O	P	BA

Andrew Sheehan, Community Development Coordinator explained that this is basically a housekeeping article to allow the Town's golf course to be in a public zone. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2300, Use Regulations Schedule.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would change section 2300, Use Regulations Schedule to change Golf Courses from a prohibited use to a permitted use in the Public (P) District.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously (5-0) in favor to recommend article #19.

The Moderator asked for a show of hands on the article. **Motion carried, unanimously.**

Barry Balan moved to waive the reading of the article 20. **Motion carried, unanimously.**

UNDER ARTICLE 20. Robert Morse of the Master Plan Review Committee, explained that presently there are no set rules and regulations regarding the building of Independent Senior Living facilities. Currently there are two assisted living facilities that have been built and

another project is under construction, there is a need for this type of building. This by-law would set the guidelines that the Committee feels is important for any future development that would provide less impact on the Town's sources. The Moderator asked for the various recommendations. The Finance Committee didn't have any recommendation. The Board of Selectmen were in favor of the article. Chairman of the Planning Board Kim MacKenzie read the Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article IV, Special Regulations by inserting a new Section 5000 to provide for Facilitated and Independent Senior Living.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meeting on September 24, 1997 and October 8, 1997.

The proposed amendment would add a new Section 5000, to provide for Facilitated and Independent Senior Living.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously (5-0) in favor to recommend article #20.

Questions and discussion took place concerning the restrictions of age and size of living area. Henrick Johnson spoke against limiting the amount of bedrooms and habitable living area. He felt the Town shouldn't limit how many bedrooms nor the amount of habitable living area a unit should have. He moved to amend the article. Under section 5041. Standards for Independent Senior Living deleting (a) Units shall contain no more than two bedrooms. and (b) Units shall have a maximum habitable living area of sixteen hundred (1600) square. and make (c) (a) A minimum of 33% of the units in a project shall comply with ADA accessibility standards to all living areas.. He explained that this would keep the proposed bylaw consistent with the current zoning by-law of only controlling the lot size, and not the amount of living space. Susan McHugh questioned if the information is based on actual senior needs? Robert Morse explained that this by-law is similar to a by-law that the Town of Lexington has. Barry Balan questioned the age restriction. John Emerson moved the question to stop debate. The Moderator asked for a show of hands, **motion carried, unanimously**. The Moderator then asked for a vote on the motion to amend, which left the Chair in doubt. The following tellers came forward and a hand count was taken. Patricia Plank, Lucy Simonian, Dorothy Frawley and John Maleski The result of the hand count: Yes 69 No 65 a majority is needed, **motion carried** to amend. More discussion followed on the main motion as amended. Susan Gates moved to amend the article as amended by: Delete Word "senior" in Section 5010. Delete word "elder" in Section 5010 and replace it with "disabled". Delete word "elder" and "senior in section 5010 (a) replace with "those". Delete word "senior" in section 5010 (b). Delete dif senior or elder in section 5041 (r). Delete "elder" in section 5041 (r). Delete "retired or elderly" in section 5041 (r) under Independent Living delete word "senior" in section 5000. Delete word "senior" wherever phrase "Independent Senior Living" ocurrs. Susan Gates felt that if a citizen had a need for assisted living then the facility should be available to that person regardless of their age. More discussion

followed The Finance Committee was not in favor deleting the wording. A majority of the Board of Selectmen were in favor of the motion. Robert Morse spoke against deleting. This type of facility is intended for Senior and Elderly citizens. Studies show that the age group specified throughout this bylaw are the citizens who really need assisted living. There are some younger people who do need assistance, however, the much greater need is with the age group specified. George Ripsom spoke against the motion to amend and commended the Master Plan Review Committee for their efforts. Elizabeth Marshall spoke against the motion. Susan Gates moved to withdraw her motion to amend. The Moderator asked for a show of hands, **motion carried.** Dennis Ready moved the question to stop further debate. The Moderator asked for a show of hands, **motion carried, unanimously**. He then asked for a vote on the main motion as amended, which left the Chair in doubt. The Tellers came forward and a hand count was taken: Yes 88 No 39 , 2/3's is 85 the **motion carried** and the article as amended reads as follows:

Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article IV, Special Regulations, by adding the following after Section 4900 of the Town of Chelmsford Zoning Bylaw:

Sec. 5000. Facilitated and Independent Senior Living

5010. Intent. Facilitated and Independent Senior Living facilities are allowed in a variety of zoning districts by special permit from the Board of Appeals. The intent of the bylaw is to provide the opportunity for the development of the types of multi-family and communal housing most beneficial for the senior and elder population of Chelmsford.

(a) Facilitated Living facilities provide private or communal lodging for elders requiring limited medical attention or supervision and who ordinarily are ambulatory. These include, but are not limited to Assisted Living facilities, Alzheimer's facilities and Congregate Living facilities.

(b) Independent Senior Living facilities are intended to provide a safe, suitable dwelling unit for a senior couple or individual who are able to live independently. Open Space preservation is an important facet of Independent Senior Living projects, and is meant to provide the residents of the project with opportunities for active and passive recreation.

5020. Standards. The following dimensional standards shall apply to Section 5000 projects.

Minimum Lot Requirements	RM	CA	CB	CC	CD	IA
Area (acres)	5	5	5	5	5	7
Width (ft)	Same as Sec. 2600					
Depth (ft)	Same as Sec. 2600					
Frontage (ft)	Same as Sec. 2600					

Minimum Yard Requirements (ft)						
Front	Sec. 2600 or twice the building height, whichever is greater.					
Side	25	40	40	40	40	40

Rear	30	40	40	40	40	40
Building Separation	25	25	25	25	25	25
Maximum Building						
Coverage (percent)	Same as Sec. 2600					
Height (ft)	35	35	35	35	35	35
Open Space Requirements (percent)						
Facilitated Living	10	10	10	10	10	10
Independent Senior Living	10	30	30	30	30	30
Maximum Number of Units per acre						
Facilitated Living	7	7	7	7	7	7
Independent Senior Living(a)	7	4	4	4	4	4

Footnotes for sec. 5020.

(a) Exclusive of open space requirement.
(Tract size minus Open Space Requirement minus wetlands/floodplain not included in Open Space Requirement) times units per acre equals Maximum number of units per tract.

5030. Open Space Requirement
The open space requirement is intended to provide the residents of the facility with opportunities to enjoy outdoor passive and active recreation, and to promote the conservation of open space. The applicant shall provide the Planning Board with a recreational plan which will show how the open space will provide passive and/or active recreation. The recreational plan shall include a plan for the maintenance of any improvements to the open space such as bicycle, equestrian and foot paths.

5031. Definition of Open Space

(a) All land within the tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards or patios.

(b) no more than 50% of the minimum required Open Space shall be situated within a floodplain and/or wetland.

(c) The Open Space shall have a shape, dimension, character and location suitable to enable its enjoyment and use for recreation, conservation or agricultural purposes by the residents of the facility.

5032. Ownership

The Open Space shall be held by the owners of the Independent Senior Living facility, or otherwise as the Planning Board may direct.

5033. Conservation Restriction.
Open Space shall be protected against building development and environmental damage by conveying to the Town a conservation restriction pursuant to Massachusetts General Laws, Chapter 84, section 31-33 which shall be enforceable by the Conservation Commission. The restriction shall specifically prohibit the use of Open Space for all-terrain vehicles, snowmobiles, motorcycles and similar vehicles, except that motorized wheel chairs shall be permitted. It shall prohibit the construction of any above ground structures, buildings, roads and paved areas, except for the maintenance and construction of bicycle, equestrian and foot paths or similar facilities for the benefit of the users, or such other as the Planning Board may permit. Such restrictions shall be in such form and substance as the Planning Board shall prescribe and may contain additional restrictions on development and the use of the Open Space as the Planning Board may deem appropriate.

5040. General Standards

(a) The Board of Appeals shall find that the proposed plan of development is consistent with section 1500.

(b) The entire site shall be a size and shape as shall provide a housing site that will be in harmony with the natural terrain and other features of the site, and will preserve natural vistas and the character of the neighborhood.

(c) No site on a plan for which an approval is granted under this section may be subdivided so as to create additional lots. A notation to that effect shall be shown on the site plan.

(d) Section 5000 projects abutting Residentially Zoned land shall provide a landscaped buffer strip thirty (30) feet in width to provide adequate screening for adjacent properties. No structure, driveway, parking area or sidewalk shall be located in the landscaped buffer strip.

(e) Driveways and sidewalks within the development shall be constructed in accordance with the section 1400 requirements under site plan review, with such waivers, if any, as the Planning Board deems appropriate.

(f) Sidewalks conforming to the Planning Board Subdivision Rules and Regulations shall be required along frontage and both sides of internal roads.

(g) Additional requirements of linking pedestrian circulation systems per section 1425 (m) may be required by the Planning Board.

(h) Buildings shall be designed to be complementary in exterior design with each other and with the existing neighborhood in which the facility is located.

(i) Dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments with the exception of projects in the RM district.

(j) The method(s) of implementing age restrictions of seniors and elders (62 years of age or over) must be to the satisfaction of the Board of Appeals and the Planning Board.

(k) The Planning Board may set additional site security and safety requirements as deemed necessary to ensure the security and safety of the residents of the facility.

(l) Requirements and criteria of Section 4500 shall be demonstrated.

5041. Standards for Independent Senior Living

(a) A minimum of 33% of the units in a project shall comply with ADA accessibility standards to all living areas.

;and amend the Zoning Bylaw, Town of Chelmsford, Article 1, Administration and Procedure, Section 1400, Site plan, by adding the following at the end of Section 1423(b): "facilitated living or independent senior living facility."

;and amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2300. Use regulations schedule, by adding new categories under residential uses after "Planned Open Space Residential Development" entitled "Facilitated Living" and "Independent Senior Living" as shown below:

	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Facilitated Living	O	O	O	BA	BA	BA	BA	BA	BA	O	O	O	O	O
Independent Senior Living	O	O	O	BA	BA	BA	BA	BA	BA	O	O	O	O	O

;and amend the Zoning Bylaw, Town of Chelmsford, Article III, General Regulations, Section 3100, Off-street parking and loading, by adding "independent senior living dwelling." after "two family" in Section 3120(p) and by adding a new Section after 3120(q) entitled Section 3120(r), as follows:

(r) Facilitated Living. One space for each employee on the shift having the greatest number of employees, plus one (1) space for each visiting staff. When on site parking for the facility's residents is permitted, the parking requirement is eight tenths (8/10) space per bedroom. When on site parking for the facility's residents is not permitted, the parking requirement is one (1) space for each three (3) beds. The site must support the potential for meeting the parking requirement of (d) Business and professional offices in the event of a building conversion, and shall be shown on the site plan as potential future parking.

;and amend the Zoning Bylaw, Town of Chelmsford, Article I, Administration and Procedure, Section 1423 (b), by adding "or facilitated and independent living facility." after "multi-family residential development";

;and amend the Zoning Bylaw, Town of Chelmsford, Article V, Definitions, by adding the following definitions:

Senior or Elder: An individual who is 62 years of age or over.

Assisted Living facility: A facility providing private multi-family dwellings or communal lodging for more than four (4) unrelated elders requiring assistance with the activities of daily living, such as aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks. Defined by M.G.L. c. 19D s. 1

Alzheimer's facility: A facility providing treatment and communal lodging for more than four (4) unrelated persons who have been diagnosed by a medical doctor as having Alzheimer's disease, but who do not require the skilled nursing care typically provided by a nursing home.

Congregate Living facility: A facility providing communal lodging more than four (4) unrelated elders in a non-institutional residential shared living environment which integrates shelter and services needed by the functionally impaired or socially isolated elder who does not require the constant supervision or intensive health care services as provided in a nursing home. The shared living environment shall include at least the following: (a) Shared kitchen facilities; and (b) Shared dining facilities. Each bedroom shall be considered one (1) unit.

Facilitated Living facility: Shall include assisted, Alzheimer's and congregate living facilities.

Independent Living facility: A facility providing independent dwelling for a retired or elderly individual or couple. In addition to bed space, such facilities would ordinarily include private toilet, bath, food preparation facilities and a private dining area.

Selectmen Peter Lawlor moved to adjourn the meeting until Thursday October 23rd at 7:30 PM at the Senior Center on Groton Road. The Moderator asked for a show of hands, **motion carried, unanimously**. The meeting adjourned at 10:55 PM.

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
OCTOBER 23, 1997

The Adjourned Annual Town Meeting was called to order at the Senior Center by the Moderator Dennis E. McHugh, at 7:35 PM, who recognized the presence of a quorum. There were 151 Town Meeting Representatives present. The Moderator asked for permission to allow Andrew Sheehan, Community Development Coordinator who was a non resident to be able to address the Body from time to time. **Motion carried unanimously**, by way of a show of hands.

UNDER ARTICLE 21. Andrew Sheehan, Community Development Coordinator, explained the article. Presently the Board of Appeals, may grant a special permit for a use not listed in the use regulation schedule of a particular zone. This by-law change would not allow this to be done any more. If passed, then the use change request must come before Town Meeting for a vote. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2220, Use Regulations Schedule.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would delete section 2220 as it now appears and replace it with the following: "2220, Uses Not Listed. All uses which are not listed in Section 2300, Use Regulations schedule, are prohibited."

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously (5-0) in favor to recommend article #21.

The Moderator asked for vote by way of a show of hands on the article. **He declared the vote passed by the 2/3's rule**. The article reads as follows:

Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, by deleting Section 2220 as it presently appears:

"2220. Uses not listed. If a particular use is not specifically included in the use regulations schedule, then the board of appeals may determine whether in the district in which an unlisted use is proposed, uses having similar externally observable attributes are or may be permitted, and if so, the board of appeals may authorize such use or uses as a special permit for exception under section 1500.

and replacing it with the following:

"2220. Uses not listed. All uses which are not listed in Section 2300, Use regulations schedule, are prohibited."

UNDER ARTICLE 22. Andrew Sheehan Community Development Coordinator explained that this is to correct a zoning change from the 1986 master plan. It was the intent to change exterior lighting fixtures to be mounted no more than 15 feet high to read 20 feet high. Instead a new section (e) had been added saying exterior lighting fixture to be mounted no more than 20 feet high. Which resulted as being inconsistent. This would eliminate the (e) sentence and correct (c) to reflect the 20 feet high, as was the original intention of the amendment done in 1986. The Finance Committee did not have any recommendation of the article. The Board of Selectmen recommended in favor of the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Section 3300, Signs and Outdoor Lighting.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would delete "fifteen"(15)" where it appears in Section 3351 (c) and substitute "twenty (20)" in its place to read: (c) Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high. and: by deleting Section 3351 (e) in its entirety, which reads: (c) Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously (5-0) in favor to recommend article #22.

The Moderator asked for a show of hands on the article. **Motion carried, unanimously**. The article reads as follows:

Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article III, General Regulations, Section 3300, Signs and Outdoor Lighting, by deleting "fifteen (15) where it appears in Section 3351(c) and substituting "twenty (20)" in its place to read:

(c) Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

and; by deleting Section 3351(c) in its entirety, which reads:

(e) Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

The Moderator asked the Body to waive the reading of the next article. **Motion carried, unanimously**.

UNDER ARTICLE 23. Andrew Sheehan, Community Development Coordinator explained that the Town was contacted in 1996 by the Dept of Environmental Management saying that the current floodplain bylaw and map didn't meet the requirements for the National Flood Insurance Program, concerning construction in a floodplain area. The new bylaw and map would. Marianne Paresky questioned the Black Brook area. Was the Glenview Sand and Gravel pit in this area? Yes, the lower portion. Does Black Brook run through this portion? Yes. She wanted to know who would be responsible for the flooding along the Steadman St and Melody Lane area. Andrew Sheehan explained that the change will not alleviate any present problems, but won't increase any problems to the area. It won't correct past problems. It is to prevent future problems due to further development in the floodplain.

The Moderator interrupted the speaker in order to make a point of order. He announce that there was a Special Town Meeting posted to begin at 7:45 PM and where in fact this was the time. Stephen Mallette moved to recess the Town Meeting at this time in order to take up the action of the Special Town Meeting. The Moderator asked for a vote by way of a show of hands. **motion carried.** The Meeting adjourned at 7:45 PM.

SPECIAL TOWN MEETING
OCTOBER 23, 1997

The Special Town Meeting was called to order at the Senior Center by the Moderator Dennis E. McHugh, at 7:45 PM, who recognized the presence of a quorum. There were 151 Town Meeting Representatives present.

Selectman Peter Lawlor moved that the reading of the Constable's return of the posting of the warrant be waived. **Motion carried, unanimously**. Selectman Peter Lawlor moved that the reading of the warrant be waived. **Motion carried, unanimously**.

UNDER ARTICLE 1. Susan Graves moved that the Town vote to transfer and appropriate from the Stabilization fund the sum of $360,000. for the purpose of purchasing temporary housing in order to address the issue of large class size.

Gary Mathews who was the proponent of the article explained that he as well as others wanted to elevate the overcrowded class room situation at the South Row School and Westlands elementary schools. This article if passed would allow two portable classrooms for the South Row School and one for the Westlands. Primarily at the South Row School there are classes that contain thirty children per classroom. The feeling was that the School Committee was not being responsive to the immediate need, they are waiting for the Center School to come on line, which won't happen until 1999. Studies have shown that overcrowding has a negative effect on children. In the immediate area Westford, Acton, Bedford as well as other cities and towns in the state use these classrooms with success. Lesley Mathews spoke about the issues. The lack of space, the present classrooms were built for 22-24 students. The lack of a short term plan, and the fact that the Center School coming on line was to little to late. The population bubble would move up through the years, and these classrooms could follow them. She then did a slide presentation for the body showing the type of modular classrooms that they had looked into, and

gave a more extensive list of the communities presently using the classrooms throughout Massachusetts. A lengthy question period took place. Would taxes be raised? No, because the money would come from the Stabilization Fund.. Why isn't the School Committee's solution of adding a teacher aide to every classroom an answer?. This would not solve the short term problem. They aren't certifiable teachers, just aides. What will the cost of relocating the modular be? It's estimated to be $45,000 per move, and it can move along with the population. It would only take eight weeks once purchased to be ready for occupancy, no architect is needed. Dr Richard Moser, Superintendent of Schools said that overcrowding has been a School Committee issue for the last 4-5 years. The Committee has come up with a plan and can't support the portables at the expense of the current budget. The Committee did in fact pursued a pot hole grant that would allow the Town to obtain portable classrooms, but was not successful. School Committee Member, Judy Mallette said that this grant was an area where a solution could be obtained without the use of Town money. The Committee is aware of the overcrowding issue and has a short term plan which does not meet the approval of the petitioners. 46% of the classrooms are overcrowded and there are fire hazards as well as other situations. Is the Center School the solution? For the future, but not the present. Douglas Aker asked if the problem was basically the lack of classroom space or funds? It was due to lack of space availability in the schools. John Emerson asked exclusive of the South Row School what is the average class size? Dr Moser said that there are 99 classrooms kindergarten through 4th grade. 17 of those has 13-19 students, 47 has 20-23 students, 17 has 24-26 students, 18 has 27-30 students. It is the 18 classes of 27-30 students where the aide support is being focused on. It averages out to be 23 students per classroom. John Emerson questioned if this is passed can the money be made to use for portable classrooms? Town Counsel explained that this would be a capital expenditure and it could not be used to fund the bottom line. Brian Latina asked that the School Committee members be polled their vote on the following question: If the space was available would you hire teachers or aides? All the five members said teachers. Jan Spence asked if these classrooms included everything, equipment etc.? Yes it did. Fran McDougall suggested that perhaps team teaching could be a solution then, once the Center School came on line the teachers would already be hired. The petitioners felt that this would not help the immediate overcrowding problem. They want to see an immediate solution to the long time problem. They want to see smaller class size with a teacher in each class. Not more aides in already overcrowded class rooms. Roger Sumner wanted to know how many of the four elementary schools have art rooms? Dr Moser replied it was the intent in the past to have art rooms but since then they have been turned into classrooms, therefore, all the schools except Byam have no art room. And how many music rooms are there? None. What about when the Center School comes on line. Dr Moser said this will only provide space. In order to lower the class size, the Committee will have to ask the Body for more funds to provide additional teachers. Roger Sumner, what will happen when the Center School comes on board, will there be music and art rooms in each of the elementary school? Dr Moser said that when that happens there will be a art room, a music room a library and computer space and several classrooms left over for the hiring of additional teachers. Once those teachers are hired, there would still be space for future growth. It was asked if this overcrowding would move onto the middle schools. Dr Moser felt that the two middle schools could handle the population. What are the aides qualifications. He read the qualifications and said that out of the 18 aides hired 60% are certificate teachers. It is not necessary to have a certificate to be a teacher's aide. Karen Ready asked the proponents how

would the teachers hired for the portable classrooms be paid for? The proponent said that instead of aides being hired the money could be used to hire the teachers. All this article does is provided the money for the classrooms, not the salaries. Frank Barre wanted to know when the Center School would be on line? It is estimated that the goal is for September of 1999. After two hours of questions and answers Dennis Ready wanted to go into debate. Roger Sumner asked Town Counsel if the money shown in the article had to go strictly for the purchasing of the classrooms, or could some of the money be used for salaries and classrooms? John Georgio said because of the wording the money could only be used to purchase classrooms. What is the amount of vote needed? Due to it being a transfer from the stabilization fund a 2/3's vote would be needed to pass. John Coppinger asked for the Moderator to enter into debate. He felt that the same people where asking questions and by doing so they were taking advantage of the Moderator's patienee. The Moderator asked is there was a need for further questions, hearing none he asked for the various recommendations. The Finance Committee was against the article. The Board of Selectmen were unanimously recommended against the article. Jeffrey Stallard spoke saying that four years ago the Selectmen took back the Center School with the anticipation of the need for an additional elementary school. He felt that at that time a short range plan should have been addressed immediately. After listening to the concerns that he was in favor of the article. Bonnie Wilder said that the teachers at the South Row School were in favor of the article and read a statement asking for support. Dale Schultz, who had a daughter in the kindergarten class at the South Row School felt that it wasn't fair that she had to have class on the stage. The Principal and Teacher are trying to make the best of a bad situation The Body shouldn't spend any more time discussing how it happened or how to address it in the future. The space problem exists now, and by obtaining the modular classrooms this problem will be addressed now. It will be to late for his daughter to have full teacher interaction but it will help next year's kindergarten class. Marianne Pareksy spoke in favor and urged for support.. Margaret Fudge moved the question to stop debate. The Moderator asked for a show of hands, which left the Chair in doubt. The following tellers came forward and a hand count was taken. Patricia Plank, Lucy Simonian, Dorothy Frawley and John Maleski The result of the hand count: Yes 99 No 39 2/3's is 92, **motion carried to stop debate.** The Moderator asked for a vote by way of a show of hands on the article, **motion defeated.**

Seeing that there was no further business at hand the Moderator declared the Special Town Meeting adjourned at 10:10 PM and returned to the adjourned Town Meeting.

The Adjourned Town Meeting reconvened at 10:11 PM. and under Article 23 the discussion continued.

UNDER ARTICLE 23 (con't) Discussion took place. Further questions were asked about who would enforce the floodplain map? The Building Inspector would. Would the proposed widening of Rt 3 have an impact on this? No, it would not. The Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II

District Regulations Section 2700, Floodplain District, by deleting the entire Floodplain District as it now reads and insert a new Floodplain District.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment will bring the Floodplain District into compliance with minimum Federal standards. Changes include required computation of base floodplain elevations for certain activities and required conformance with State Building, Wetlands and Sanitary Codes.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously (5-0) in favor to recommend article #23.

The Moderator asked for a show of hands on the article. **Motion carried, unanimously**. The article reads as follows:

Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2700, Floodplain District, by deleting Section 2700 in its entirety and replacing it with the following Section 2700 (*Note: bold print indicates new language to be added):

Sec. 2700. Floodplain District.

2710. Purposes. The purposes of this district are:

(a) To provide the lands in the Town of Chelmsford subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupants thereof.

(b) To protect, preserve, and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the Town of Chelmsford.

(c) To assure the continuation of the natural flow of the water course(s) within the Town of Chelmsford in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

2720. Floodplain district and floodway district boundaries. The floodplain district and floodway district is herein established as an overlay district. The underlying permitted uses are allowed provided they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The floodplain district and floodway district includes all special flood hazard areas designated **on the National Flood Insurance Program, Flood Insurance Rate Map for the Town of Chelmsford, prepared by the United States Department of Housing and Urban Development, Community Panel Number 250188 0005B-0015B dated June 4, 1980** on file with the Town Clerk, Planning

Board, Building Inspector and Conservation Commission. These maps as well as the accompanying Chelmsford flood insurance study, dated December, 1979, are incorporated herein by reference.

2725. Base Flood Elevation and Floodway Data

(a) **Floodway Data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the map entitled " Chelmsford Floodplain and Floodway District Map, 1980" prepared by O'Connell and Associates shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. This map is incorporated herein by reference.**

(b) **Base Flood Elevation Data. Base flood elevation data must be generated by applicants, based upon a study, for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.**

2730. Notification of Watercourse Alteration
Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

(a) **Adjacent communities**

(b) **Bordering States**

(c) **NFIP State Coordinator**
Massachusetts Office of Water Resources
100 Cambridge Street
Boston, MA 02202

(d) **NFIP Program Specialist**
FEMA Region I, Room 462
J. W. McCormack Post Office and Courthouse
Boston, MA 02109

2740. District use regulations.

2741. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

(a) **Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, "Flood Resistant Construction");**

(b) **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**

(c) **Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);**

(d) **Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);**

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2742. In the floodplain district no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling, or earth transfer or relocation shall be permitted; nor any land, building, or structure used for any purposes except:

(a) Conservation of water, plants, and wildlife.

(b) Outdoor recreation, including play areas, nature study, boating, fishing and hunting, where otherwise legally permitted, but excluding buildings and structures.

(c) Noncommercial signs (as permitted in the residential districts), wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern of watercourses.

(d) Grazing and farming, including truck gardening and harvesting of crops.

(e) Forestry and nurseries.

2742a In the floodway, designated on the Chelmsford floodplain and floodway district map, the following provisions shall apply:

(1) All encroachments including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

(2) Any encroachment meeting the above standard shall comply with the floodplain requirements of the state building code.

(3) If a property owner questions the location of a floodplain or floodway district, the owner may engage at his own cost a registered licensed surveyor with the approval of the town engineer to determine if the land in question is within the floodplain or floodway district.

The landowner shall be responsible for the cost for this determination. **The board of appeals, in consultation with the town engineer, shall decide whether or not to accept the surveyor's determination.**

(4) **No new building or portion thereof located within the Floodplain District, shall be allowed to connect to the municipal wastewater system or to a private wastewater system which discharges to the municipal wastewater system.**

2743. The portion of any lot within the area delineated in subsection 2720 above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated.

2750. Exemptions. In the floodplain district, the board of appeals may grant a special permit for exception for uses or structures in addition to those allowed under section 2740, subject to the following:

(a) The request has been referred by the applicant to the planning board, the town engineer, the board of health, and the conservation commission for review and recommendation as provided in Section 11, Chapter 40A, M.G.L.;

(b) The land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrologic and/or topographic conditions;

(c) The proposed use will not be detrimental to the public health, safety, and welfare; and

(d) The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located; and,

(e) Any loss of floodplain or floodway shall be compensated for at a similar elevation within the same local watershed.

The Moderator Dennis McHugh stepped down from the Chair for the next article. Before doing so, he appointed Selectman Peter Lawlor to be the Acting Moderator for the article. . Selectman William Dalton then moved to waive the reading of the article 24. **Motion carried, unanimously**.

UNDER ARTICLE 24. Andrew Shechan Community Development Coordinator explained the article. He said that there were amendments to the wording of the article since the Finance Book had been printed and went over them for the Body. The actual motion included the amended wording. He went on to say that this would protect the Town's two aquifer protection districts. Its purpose is to keep commercial and industrial facilities from contaminating the Town's ground water. It would bring the Town into minimum compliance with the State's drinking water protection standards. Questions were asked. The Acting Moderator asked for the Board's recommendation. The Finance Committee recommended the

article. The Board of Selectmen were in favor of the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article IV, Special Regulations, Section 4800, Aquifer Protection District, by deleting Section 4800 as it now reads and inserting a new Aquifer Protection District.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment will bring the Aquifer Protection District into compliance to meet minimum Department of Environmental Protection requirements. Changes include amending the use and dimensional regulations in the District and adopting a revised Aquifer Protection District map.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted 3-2 not to recommend the original version of article #24. The Planning Board subsequently voted 4-1 to recommend article #24 as amended. Therefore the Planning Board recommends article #24 as amended.

Dennis McHugh, representing the Business Men's Association wanted to make a motion to accept the map but postpone use regulations until the spring. He felt that the wording was to restrictive. Dennis Ready moved to delete sections 4860 Use Regulations and 4870 Procedures for issuance of Special Permits and insert in its place the following:

4860: Use Regulations

The use schedule for all zoning districts shall apply, except as modified in this section. In all cases the more stringent provision shall apply. Cross references- Use regulations, section 2200; use regulations schedule, section 2300

4861. The following uses are prohibited in the APD

(a) The manufacture, use, storage, transport, or disposal of toxic or hazardous materials as a principal activity.

(b) Solid waste disposal facility, sanitary landfill, refuse incinerator, salvage yard junk yard, storage yard, road salt stockpile.

(c) Truck/bus terminals and contractor's yards with more than ten (10) vehicles, service station and auto repair shops.

(d) Car washes, or coin-operated and commercial laundries, where not connected to public sewers.

(e) Subsurface storage or toxic or hazardous materials, fuel oil or gasoline.

(f) Solid waste disposal or sewage treatment facilities with onsite disposal of the effluent, unless tertiary treatment is used.

4862. The following uses require a special permit from the Planning Board within the APD:

(a) Above ground storage of more than five hundred (500) gallons of toxic or hazardous materials, fuel oil or gasoline.

(b) Any residential use with lot size less than the intensity use schedule required for that particular residential zone.
(c) Any use except for residential with an estimated sewage disposal greater than ten (10) gallons of sewage per day per one thousand (1,000) square feet of lot area, based on Title V of the State Environmental Code, 310 CMR 15.00.
(d) Any use which renders impervious more than fifty (50) percent of the total lot area.

4870: Special Permits. Special permits may be granted by the Planning Board, if the requirements of the APD are met and if the granting of such a permit follows the general intent of the zoning by-law. Prior to granting a special permit, the Planning Board shall review the proposed control measures and shall determine if these control measures are adequate with respect to possible groundwater contamination if a failure occurred. If the Planning Board denies a special permit, the reason for denial must be state. After receiving a special permit application, the Planning Board shall distribute one (1) copy each to the Board of Health, the Conservation Commission and the Building Inspector for their review. If a response is not received with thirty-five (35) days by these agencies, the Planning Board will assume the agencies approve. A special permit may be granted by the Planning Board, if, after review of the applications and comments from the Board of Health, the Conservation Commission and the Building Inspector, the Planning Board finds that the groundwater quality will not fall below state or federal drinking water standards, or if the groundwater quality is below these standards no further degradation of the water will occur.

4871. Special permit application. Eleven (11) copies of the special permit application shall be submitted to the Planning Board in accordance with section 1250. In addition, the application shall include:
(a) A complete list of all fuels, chemicals, pesticides, and other potentially toxic or hazardous material which are being used or stored on the premises in quantities greater than average household use.
(b) Detailed plans shall be submitted of the storage tank or pipeline being used to store or transport the toxic or hazardous materials, fuels, chemicals or pesticides. These plans should also show how the storage tank or pipeline is protected from corrosion, leaks, spills, and vandalism.
(c) Evidence of qualified professional supervision of the design and installation of above and below ground storage of toxic and hazardous materials.
(d) Evidence of qualified professional supervision of the design and installation for any use with an estimated sewage flow greater than one thousand (1,000) gpd (other than single family). Impacts of nitrates, chlorides, and coliforms on groundwater quality must also be addressed.

Cross reference - Application procedure for special permits or variances, section 1250.
The Acting Moderator asked for the Finance Committee's recommendation. The Finance was against the motion to amend. The Board of Selectmen were against the amendment. The Planning Board did not have a vote on the motion to amend. Discussion took place. Representatives Ready and Latina spoke for the amendment. Robert Morse and Andrew Sheehan spoke against the motion to amend. David McLachlan spoke against the motion, and urged the Body to defeat the amendment and vote on the article. The Acting Moderator asked

for a show of hands on the motion to amend. **Motion defeated**. More discussion took place under the main motion. Barry Balan moved to continue the Town Meeting beyond the 11:00 PM curfew. The Acting Moderator asked for a show of hands, **motion carried, unanimously**. Further discussion took place. The Acting Moderator asked for a show of hands on the article. **The Acting Moderator declared that the vote passed by the 2/3's rule.**

Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article IV, Special Regulations, Section 4800, Aquifer Protection District, by deleting Section 4800 as it presently appears:

SECTION 4800 AQUIFER PROTECTION DISTRICT

4810. Purpose. The purpose of an aquifer protection district, hereinafter known as APD, is to protect the public drinking water supply and the public health by preventing the contamination of Chelmsford's groundwater.

4820. Aquifer protection district[; boundaries.] The APD is established as an overlay district to the town's zoning map. This APD was defined by the surficial geology of the area and groundwater flow (based on a U.S. Geological Survey Surficial Geology Map and the Chelmsford Facilities Plan by Weston and Sampson Engineers, Inc.). Any area in which groundwater flow is directed toward a well and the surficial geology is stratified sand and gravel deposits (soils which yield groundwater to wells) is included in the APD.

If a property owner questions the location of any boundary of an APD, the owner may engage at his own cost a professional hydrogeologist or soils engineer who must be approved by the planning board of the town, to determine if the land in question is in a recharge area.

4830. Use regulations. The use schedule for all zoning districts shall apply, except as modified in this section. In all cases the more stringent provision shall apply.

Cross references- Use regulations, section 2200; use regulations schedule, section 2300

4831. The following uses are prohibited in the APD

(a) The manufacture, use, storage, transport, or disposal of toxic or hazardous materials as a principal activity.
(b) Solid waste disposal facility, sanitary landfill, refuse incinerator, salvage yard, junk yard, storage yard, road salt stockpile.
(c) Truck/bus terminals and contractor's yards with more than ten (10) vehicles, service station and auto repair shops.
(d) Car washes, or coin -operated and commercial laundries, where not connected to public sewers.
(e) Subsurface storage of toxic or hazardous materials, fuel oil or gasoline.
(f) Solid waste disposal or sewage treatment facilities with onsite disposal of the effluent, unless tertiary treatment is used.

4832. The following uses require a special permit from the planning board within the APD:

(a) Above ground storage of more than five hundred (500) gallons of toxic or hazardous materials, fuel oil or gasoline.
(b) Any residential use with lot size less than the intensity use schedule requires for that particular residential zone.
(c) Any use except for residential with an estimated sewage disposal greater than ten (10) gallons of sewage per day per one thousand (1,000) square feet of lot area, based on Title V of the State Environmental Code, 310 CMR 15.00.
(d) Any use which renders impervious more than fifty (50) percent of the total lot area.

4840. Special Permits. Special permits may be granted by the planning board, if the requirements of the APD are met and if the granting of such a permit follows the general intent of the zoning by-law. Prior to granting a special permit, the planning board shall review the proposed control measures and shall determine if these control measures are adequate with respect to possible groundwater contamination if a failure occurred. If the planning board denies a special permit, the reason for denial must be stated. After receiving a special permit application, the planning board shall distribute one (1) copy each to the board of health, the conservation commission and the building inspector for their review. If a response is not received within thirty-five (35) days by these agencies, the planning board will assume the agency approve. A special permit may be granted by the planning board, if, after review of the applications and comments from the board of health, the conservation commission and the building inspector, the planning board finds that the groundwater quality will not fall below state or federal drinking water standards, or if the groundwater quality is below these standards no further degradation of the water will occur.

4841. Special permit application. Eleven (11) copies of the special permit application shall be submitted to the planning board in accordance with section 1250. In addition, the application shall include:

(a) A complete list of all fuels, chemicals, pesticides, and other potentially toxic or hazardous materials which are being used or stored on the premises in quantities greater than average household use.
(b) Detailed plans shall be submitted of the storage tank or pipeline being used to store or transport the toxic or hazardous materials, fuels, chemicals or pesticides. These plans should also show how the storage tank or pipeline is protected from corrosion, leaks, spills, and vandalism.
(c) Evidence of qualified professional supervision of the design and installation of above and below ground storage of toxic and hazardous materials.
(d) Evidence of qualified professional supervision of the design and installation for any use with an estimated sewage flow greater than one thousand (1,000) gpd (other than single family). Impacts of nitrates, chlorides, and coliforms on groundwater quality must also be addressed.

Cross reference- Application procedure for special permits or variances, section 1250.

and replacing it with the following Section 4800:

SECTION 4800 AQUIFER PROTECTION DISTRICT

4810: Purpose of District
Groundwater is the sole source of drinking water to the residents, businesses and industries of the Town of Chelmsford. The purpose of the Aquifer Protection District is to protect the health, safety, and general welfare by protecting the Town's limited present and future drinking water supply; to ensure a sufficient quantity of potable pure drinking water for the present and future residents, institutions, and businesses of the Town of Chelmsford; and to limit the adverse effects of use and development of land on the quality of the groundwater and surface water resources of the Town of Chelmsford.

4820: Scope Of Authority
The Aquifer Protection District is an overlay district superimposed on the zoning districts and whose regulations are in addition to any other regulations established by this Bylaw. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Aquifer Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

4830: Definitions
For the purposes of this section the following words and phrases shall have the following meanings:

AQUIFER - Geologic formation composed of rock, sand, gravel or other geologic material that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE - Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

TOXIC OR HAZARDOUS MATERIAL OR WASTE- Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Chelmsford. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21 C and 21 E and 310 CMR 30.00. For the purposes of this section, sanitary domestic wastes from residential sources shall not be considered toxic or hazardous waste.

4840: Establishment and Delineation of Aquifer Protection District:
There is hereby established within the Town of Chelmsford the Aquifer Protection District. This area is described on a map entitled Aquifer Protection District Town of Chelmsford, dated October, 1997. Said map is incorporated herein by reference.

4850: District Boundary Disputes
If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Zoning Board of Appeals (ZBA). Any application for a special permit for this purpose shall be accompanied by adequate documentation according to the normal application requirements of the Board of Appeals. If the applicant is able to demonstrate that groundwater flows will not be impacted by the activity on the site, or that groundwater from the site does not contribute to the aquifer, the Board may grant a special permit relieving the applicant of the obligations of the Aquifer Protection District.

The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the Town may engage a registered professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all, or part of the cost of the investigation.

4860: Use Regulations
In the Aquifer Protection District, the following regulations shall apply:

(a) Permitted Uses

The uses permitted within the Aquifer Protection District shall be the uses permitted in the underlying zoning district, and not prohibited by Table 4860(b) below. In the following Table of Use Regulations "O" indicates the use is prohibited, "P" indicates that the use is permitted, and "PB" indicates that the use may only be permitted by a Special Permit from the Planning Board.

TABLE 4860 (b)

USE REGULATIONS WITHIN THE AQUIFER PROTECTION DISTRICT

1. Sanitary landfill/solid waste disposal site, refuse treatment and disposal facility, landfilling of sludge and septage, storage of sludge and septage.	O
2. Generation, treatment, disposal or storage of Toxic or Hazardous Materials or Waste, except for the following: a) municipal uses associated with the provision of public water and sanitary sewer services; b) very small quantity generators, as defined by 310 CMR 30.00;	O

c) waste oil retention facilities required by MGL Ch. 21 S. 52A;
d) treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
e) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390

3. Motor vehicle repair facility — PB

4. Automobile graveyards and junkyards as defined in MGL Ch 140B, s. 1 — O

5. Car, truck and equipment washing facility where all wastewater to discharges to the municipal sewer system or to a private sewer which discharges to the municipal sewer system or to an approved disposal facility. — PB

6. Commercial laundries not connected to the municipal sewer system or to a private sewer which discharges to the municipal sewer system. — PB

7. Dry cleaners with on-site cleaning facilities — PB

8. Furniture/wood stripping, painting & refinishing — PB

9. Disposal of snow contaminated with deicing chemicals and originating from outside the district — O

10. Outdoor storage of fertilizer, animal manure, soil conditioner, pesticide, herbicide and deicing chemicals — O

11. Chemical, bacteriological or radiological laboratory or production facility — O

12. Treatment disposal works for non-sanitary wastewater that are subject to 314 CMR 5.00, except replacement or repair of existing treatment works that will not result in a design capacity greater than the existing treatment works, or treatment works approved by Mass. Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water, or treatment works for pretreatment of industrial discharges to the municipal sewer system — O

13. Individual sewage disposal systems designed and/or maintained in accordance with the current requirements of Title 5 (310 CMR 15) — P

14. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey. — O

except for excavations for building foundations, roads or utility works

15. The enclosed storage of road salt or other deicing chemicals PB

16. Modification of groundwater flow through use of underdrains or similar devices, except that a Special Permit shall not be required to maintain, modify or expand single family residential structures lawfully in existence on the effective date of this section PB

17. Enlargement or alteration of existing uses that do not conform to the Aquifer Protection District PB

18. Storage of hazardous materials as defined in MGL Ch. 21E, and/or liquid petroleum products unless such storage is: O
    (a) above ground level, and
    (b) on an impervious surface, and
    (c) either
        (i) in container(s) or above ground tank(s) within a building or
        (ii) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements

19. The construction of dams or other water control devices, ponds, or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements PB

20. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater (see section 4860(c)) PB

21. Any discharge to the ground through an interior floor drain. O

(c) Lot Coverage

Any use proposed to render impervious more than 15% or 2500 square feet of any lot, whichever is greater, shall be subject to a Special Permit from the Planning Board. On any such lot a system for groundwater recharge must be provided which does not degrade groundwater quality. Any project drainage design that satisfies the Stormwater Policy issued by the Department of Environmental Protection, dated 11/18/96, and as amended, shall be sufficient to satisfy the requirements of this section.

4870: Procedures for Issuance of Special Permits

(a) Special Permit Granting Authority

The Special Permit granting authority under this section of the Zoning By-Law shall be the Planning Board, acting under the Site Plan Review Process, Section 1400. The Planning Board may issue a special permit if it determines that the intent of this by-law, as well as its specific criteria, are met.

(b) Findings

The Planning Board may grant the Special Permit upon a finding that the proposed use meets the following performance standards, those specified in Section 4860, and any regulations or guidelines adopted by the Planning Board. The proposed use:

1. shall not, during construction or thereafter, adversely affect the existing quality or quantity of water that is available in the Aquifer Protection District;

2. shall be designed to avoid substantial disturbances of the soils, topography, drainage, vegetation and other water related natural characteristics of the site to be developed which are likely to affect existing quality or quantity of water that is available in the Aquifer Protection District;

3. shall be designed to meet State and Federal drinking water standards at the property line and
4. shall utilize the Best Management Practices which are available for the proposed use.

Dennis Ready moved to appoint a committee consisting of one representative from each voting precinct to be selected by that precinct's representatives before the close of business for this Annual Town Meeting and one member from the Planning Board to be selected by the Planning Board, and one member from each water district board of commissioners which Committee will elect a chairperson, to study the proposed Aquifer Protection District By-law and make recommendations at the next Annual Town Meeting.

The Acting Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the motion. The Board of Selectmen were in favor of the motion. The Acting Moderator asked for a show of hands, **motion defeated**.

Dennis McHugh returned to the Chair and resumed his position of Moderator. Henrick Johnson moved to adjourned the Town Meeting until Monday October 27th, at 7:30 PM at the Senior Center on Groton Road. The Moderator asked for a show of hands on the motion to adjourn, motion carried unanimously. The Meeting adjourned at 11:10 PM.

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
OCTOBER 27, 1997

The Adjourned Annual Town Meeting was called to order at the Senior Center by the Moderator Dennis E. McHugh, at 7:35 PM, who recognized the presence of a quorum. There were 124 Town Meeting Representatives present.

UNDER ARTICLE 25. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning By-law, Town of Chelmsford, Article V, Definitions, Lot area, by deleting "eighty (80)" where it currently appears and replacing it with "ninety (90)".

James Creegan, Member of the Master Plan Review Committee explained the article. Reduces the impact on existing homes. Reduces the impact on wetlands concerns with drainage and erosion and doesn't take away grandfathered lots. The current size is 32,000 sq ft. this would be increased to 36,000 sq ft. From 1992-1996 there were 174 lots created. If this by-law had been in effect 12 would have been eliminated. 9 would have been effected, 2 unaffected. There are 1,500 acres of developed lots left. This by-law would have a positive impact on any future development. Questions were asked. Ronald Wetmore wanted to know why this article was back before the Body again. It had just been defeated recently within the last year, and he questioned the two year time period. James Creegan said that there is a two year wait unless the Planning Board unanimously recommends the article, which in this case it did. The Moderator asked for the Finance Committee's recommendation. The Finance Committee deferred to wait and hear further debate. The majority of the Board of Selectmen were against the article. Jeffrey Stallard asked that the Selectmen be polled on how they voted: Selectman Lawlor was in favor. Selectman Eliopoulos, Dalton and Gates were against. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article V, Definitions, Lot Area, by deleting "eighty (80)" where it currently appears and replace it with "ninety (90)".

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would change the contiguous dry area requirement from 80% to 90%.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously to recommend article #25.

Robert Morse spoke in favor of the article. Ronald Wetmore spoke against the article. Selectman Lawlor asked that Town Counsel give a brief explanation. Town Counsel Joel Bard explained that this would only effect future lots. Any lots that were approved within the last 8 years are grandfathered. The Moderator asked for a show of hands, which left the Chair in doubt. He asked for the tellers to come forward and conduct a hand count. The following tellers

came forward and a hand count was taken. Patricia Plank, Lucy Simonian, Dorothy Frawley and John Maleski The result of the hand count: Yes 63 No 54, the **motion defeated.**

UNDER ARTICLE 26. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the following Town-owned parcels from their current zoning classification to P Public:

1) Elm Street and Park Road. Map 234; Lot 5, change from RB Single Residence to P Public.

2) Park Road, Park Place and Farley Brook Road. Map 164; Lots 1 & 16, change from RB Single Residence to P Public.

3) Bartlett Street, Map 170; Lots 19 & 80, change from CD General Commercial to P Public;

4) Boston Road, Map 170; Lot 15, change from RB Single Residence to P Public.

Andrew Sheehan, Community Development Coordinator explained that these parcels are Town owned land that should reflect the classification of Public. Number 1 is the Cranberry Bog Reservation. Number 2 is the Chelmsford Country Club. Numbers 3 & 4 are the Adams Library Land. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2110, Official Zoning Map by changing the following Town-owned parcels from their current zoning classification to P Public.

1. Elm Street and Park Road, Map 234, Lot 5 change from RB Single residence to P Public.
2. Park Road, Park Place and Farley Brook Road, Map 164, Lots 1 & 16, change from RB Single residence to P Public.
3. Bartlett Street, Map 170; Lots 19 & 80, change from CD General Commercial to P Public.
4. Boston Road, Map 170; Lot 15, change from RB Single Residence to P Public.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would change the zoning classification of these Town-owned parcels from the current classification to P Public.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously to recommend article #26.

The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 27. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning By-law, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 162A, 162B, 164, 166, 168, 170, 172 & 174 Mill Road, Map 137, Lots 20, 21, 22 & 23 from P Public to RC General Residence.

Andrew Sheehan Community Development Coordinator explained that the Fire Department discovered that the above mentioned lots were zoned as Public Town owned land and should be listed as General Residence. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2110, Official Zoning Map by changing the zoning classification of 162A,162B,164,166,170,172 and 174 Mill Road, Map 137, Lots 20, 21,22,and 23 from P Public to RC General Residence.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would correct an error on the zoning map by rezoning these parcels consistent with their current use.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously to recommend article #27.

The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 28. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 143 and 145 Littleton Road, Map 190; Lots 2 & 4, change from P Public to RB Single Residence.

Andrew Sheehan Community Development Coordinator explained that this was another zoning correction. There are two lots of land privately owned next to the Lime Quarry that were zoned as Public and should be Single Residence. The Moderator asked for the recommendations of the various boards. The Finance Committee recommended the article. The Board of Selectmen unanimously recommended the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2110, Official Zoning Map by changing the zoning classification of 143 and 145 Littleton Road, Map 190; Lots 2 & 4 from P public to RB Single Residence.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would correct an error on the zoning map by rezoning the lots at Littleton Road consistent with their current use.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously to recommend article #28.

The Moderator asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 29. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 95 Boston Road & Acton Road, Map 169; Lot 9, from RB Single Residence to RA Single Residence.

Andrew Sheehan Community Development Coordinator explained that the Master Plan Review Committee had reviewed this parcel of land and felt that the zoning should be changed from RB Single Residence to RA Single Residence. The difference in the zones are the requirements regarding square feet of buildable land. RB is 40,000 square feet and RA is 60,000 square feet. This property contains fifty-six acres which includes 28% wetland or high land. Under the present RB zone there are twenty buildable lots. Under the RA zone requirements there would be 14 buildable lots. Ronald Wetmore asked if this was the "Warren Land" in question? Yes it was. Dennis Ready wanted to know if the Committee was presenting any more privately owned land for rezoning? Yes this article and the next article one will be the only two for this meeting. Land in the Pine Hill Road area will be addressed at the Spring of 1998 Town Meeting. Numerous questions were asked. Was the owner aware of the proposed change. Yes he was. He said that he was not planning on developing the land, mainly concern on the effect if any this would have on his property taxes. Could the owner challenge the rezoning at a later date? Town Counsel Joel Bard said he could challenge the change but may not be successful. The Town did as required. Held a public hearing after advertising it for two weeks prior. It was the intent of the Master Plan Review Committee to identify areas which still had a rural character. A lower density would have more effect then a higher one. The Moderator asked for the Finance Committee recommendation. The Finance Committee recommended the article. A majority of the Board of Selectmen recommended against the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2110, Official Zoning Map by changing the zoning classification of

95 Boston Road and Acton Road, Map 169; Lot 9, from RB Single Residence to RA Single Residence.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would rezone these lots from medium density residential to low density residential.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously to recommend article #29.

David McLachlan spoke in favor of the article. A discussion took place. Peter Dulchinos and Wendy Marcks, members of the Master Plan Review Committee spoke in favor of the article. They expressed that the Committee's purpose was to preserve the Town's open space but not discourage future building. Glenn Thoren felt that the Committee should show all the land that the Committee wanted to rezone all at once, not parcel by parcel. Claire Jeannotte and Liz Marshall spoke in favor. Philip Eliopoulos and Kim MacKenzie spoke in favor. The Moderator asked for a vote by way of a show of hands, which left the Chair in doubt. He asked for the tellers to come forward and conduct a hand count. The following tellers came forward and a hand count was taken. Patricia Plank, Lucy Simonian, Dorothy Frawley and John Maleski The result of the hand count: Yes 91 No 28 2/3's is 79 the **motion carried**.

UNDER ARTICLE 30. Planning Board Member Robert Morse moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, Article II, District Regulations, Section 2110, Official Zoning Map, by changing the zoning classification of 79 Elm Street, Map 232, Lot 30, from RB Single Residence to RA Single Residence.

Andrew Sheehan Community Development Coordinator explained that this article was about thirty acres of land, which included wetland. Present zoning would allow 24 lots. If changed then there would be 19 lots. Glenn Thoren questioned if the land owner was aware of the proposed change? Andrew Sheehan said that he hadn't personally spoken with the land owner. The only notification had been the advertisement and the public hearing. The Finance Committee recommended approval of the article. A majority of the Board of Selectmen were against the article. Kim MacKenzie, Chairman of the Planning Board read the Planning Board's recommendation:

The Planning Board of the Town of Chelmsford held a public hearing on September 24, 1997 at 7:15 PM to consider amending the Town of Chelmsford Zoning Bylaw, Article II District Regulations Section 2110, Official Zoning Map by changing the zoning classification of 79 Elm Street, Map 232; Lot 30 from RB Single Residence to RA Single Residence.

A legal advertisement was published in the Chelmsford Independent on September 4, 1997 and September 11, 1997, a minimum of fourteen (14) days prior to the public hearing. A copy of the legal ad was mailed to all abutting cities and towns and to the appropriate agencies as required in the Massachusetts General Laws, Chapter 40A, Section 5.

The proposed bylaw changes were discussed by the proponents, residents and the Planning Board at the meetings on September 24, 1997 and October 8, 1997.

The proposed amendment would rezone this lot from medium density residential to low density residential.

The public hearing closed on October 8, 1997 and the Board rendered its Decision. The Planning Board voted unanimously to recommend article #30.

The Moderator asked for a vote by way of a show of hands, this left the Chair in doubt. The tellers came forward and conducted a hand count. Yes 67 No 47 2/3`s is 76, **motion defeated.**

UNDER ARTICLE 31. Selectman Peter Lawlor moved that the Town vote to appropriate the sum of $1,100,000 for the purpose of acquiring in fee simple a certain parcel of land located on Oak Hill Road, shown as lot 1 on Assessor's Map 77, containing 66.37 acres more or less and more fully described in a deed recorded in the Middlesex North District Registry of Deeds in Book LCD10, Page 5995; and a certain parcel of land located on Tyngsborough Road, shown as lot 2 on Assessor's Map 8, containing 10.8 acres more or less and more fully described in a deed recorded in the Middlesex North District Registry of Deeds in Book 2560, Page 143 and authorize the Board of Selectmen to acquire said parcels of land by purchase, eminent domain, or otherwise; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow $1,100,000. under Massachusetts General Laws Chapter 44, Section 7 (3), and that the Town Manager be authorized to take any other action necessary to carry out this project.

Selectman Peter Lawlor explained that this involved 66.37 acres of land off of Ledge Road/ Oak Hill Rd area. Also a 10.8 acreage parcel by the Southwell Fields Recreational area. The owner of the land is Raymond Carye and related entities. Selectman Lawlor explained that the large acre is zoned IA and is before the Planning Board for Development. It would be in the Town's best interest to keep the land open and undeveloped. The Town may have a future use if necessary for a municipal building or school. A part of the land abuts up to residential development. The Town paid for its own appraiser to protect the Town's interest. The appraiser said that the land is worth between $800,000 to $1,000,000 dollars. The other land would enhance the Southwell Recreational Field. Raymond Carye owes the Town back property taxes. James Doukszewicz asked how much was owed? The Town Manager said $1.3million. He explained that $98,000 is owed on the smaller parcel and other properties owed throughout the Town make the up the $1.3 million. The taxes are paid on the sixty-six acres. The purchase would be done by eliminating the tax debt. It is a friendly transaction. A number of Representatives spoke in favor of the article. The Finance Committee supported the article. The Board of Selectmen unanimously recommended the article. Michael McCall said that this was a win win situation, due to the persistence of the residents in the area contacting their Town Meeting Representatives and Town Officials everyone will benefit. Jeffrey Stallard a board member of the North Congregational Church, said that the Church owns property that directly abuts this land and that the Church fully supported the land remaining as open space.

The Moderator asked for a vote by way of a show of hands. **He declared that the vote passed by way of the 2/3's rule.**

Seeing that there was no further business at hand the Moderator declared the meeting closed, and moved to adjourn the meeting. The Moderator asked for a show of hands, **motion carried, unanimously**. The meeting adjourned at 9:05 PM.

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

WARRANT FOR ANNUAL
TOWN ELECTION APRIL 7, 1998

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	South Row Elementary School Cafetorium
Precinct 2.	Harrington Elementary School Gymnasium
Precinct 3.	Harrington Elementary School Gymnasium
Precinct 4.	Westlands School Cafetorium
Precinct 5.	Byam School Cafetorium
Precinct 6.	Westlands School Cafetorium
Precinct 7.	McCarthy Middle School, Small Gymnasium
Precinct 8.	McCarthy Middle School, Small Gymnasium
Precinct 9.	South Row Elementary School Cafetorium

On Tuesday, the 7th day of April, 1998 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

Two Selectmen for three years;

Two School Committee Member for three years;

Two Library Trustees for three years;

One Board of Health Member for three years;

Two Planning Board Members for three years;

Two Sewer Commissioners for three years;

One Housing Authority Member for five years;

One Cemetery Commissioner for three years;

One Constable for three years;

and to vote on the following question:

QUESTION 1

Shall the Town of Chelmsford approve the charter amendments proposed by the May 1, 1997 Annual Town Meeting summarized below?

YES
NO

Summary: A yes vote will adopt certain amendments to Section 2-13 of the Town Charter which were approved by the Spring, 1997 Annual Town Meeting and by the Attorney General. The amendments are intended to make the Charter's referendum election procedures conform to the election laws of the Commonwealth. The amendments include the time for filing a referendum petition, the scheduling and polling hours of a referendum election, the form of referendum questions and the percentage of voter participation necessary to reverse a vote of the representative town meeting.

and to bring in their votes for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9

One Representative Town Meeting Member for an unexpired one year term in Precinct 2

Two Representative Town Meeting Members for an unexpired one year term in Precinct 6

Two Representative Town Meeting Members for an unexpired two year term in Precinct 8

; and to meet in the Senior Center, Groton Road, North Chelmsford, on Monday, the twenty-seventh day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

Article 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate such sums of money as may be required to defray Town charges for the fiscal period July 1, 1998 to June 30, 1999; or act in relation thereto.

Town Manager

Article 3. To see if the Town will vote to transfer a certain sum of money from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 1999; or act in relation thereto.

Town Manager
Conservation Commission

Article 4. To see if the Town will vote to transfer a certain sum of money from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1999 Budget; or act in relation thereto.

Town Manager
Sewer Commission

Article 5. To see if the Town will vote to transfer a certain sum of money from Sewer Rate Relief Funds, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1999 Budget; or act in relation thereto.

Town Manager
Sewer Commission

Article 6. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

Town Manager
Finance Committee

Article 7. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Department	Project	Expenditure
Cemetery	Pick-up Truck	$25,000
Fire	Pick-up Truck/Plow	$25,000
	Station Roof Repair	$15,000
	Engine Refurbishment	$40,000
Library	Computer Upgrade	$75,000
Police	Cruiser Replacement	$130,000
Police/Fire	Rescue Boat/Trailer	$20,000
DPW	Drainage Projects	$100,000
	Road Maintenance	$100,000
	Dump Truck/Sander	$90,000
	Street Sweeper	$90,000
	Sidewalk Tractor	$60,000
Elder Services	Steamer	$15,000
School	Telecommunications	$185,000
	Microscopes	$30,000
	One Ton Dump Truck	$26,000
	Academic Technology	$260,000
	Administrative Technology	$64,000
	Total	$1,350,000

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations; or act in relation thereto.

Board of Selectmen
Town Manager
Capital Planning Committee

Article 8. To see if the Town will vote to transfer a certain sum of money from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund; or act in relation thereto.

Cemetery Commission

Article 9. To see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, a certain sum of money to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford; or act in relation thereto.

Town Manager

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds, a certain sum of money for the purpose of funding the sand lease approved by the Town under Article 12 of the 1989 Annual Town Meeting; or act in relation thereto.

Town Manager

Article 11. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a certain sum of money, for the purpose of designing, constructing, and originally equipping a new police station at the site of the existing police station at 230 North Road, and that the Town Manager be authorized to expend the moneys so appropriated for the foregoing purposes, and to take all action necessary to carry out this project; or act in relation thereto.

Town Manager

Article 12. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money for the purpose of providing Senior Citizen Real Estate Tax Payment Vouchers for services rendered, pursuant to an agreement formulated by the Council on Aging and approved by the Town Manager; or act in relation thereto.

Town Manager
Council on Aging

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

Town Manager

Article 14. To see if the Town will vote to raise and appropriate a certain sum of money to fund the Community Action Program established under Article 12 of the April 29, 1996 Annual Town Meeting. The purpose of this program shall be to provide matching funds to community improvement projects undertaken by individuals and/or organizations within the Town of Chelmsford; or act in relation thereto.

Town Manager

Article 15. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled *"Plan of Sewer Easement in Chelmsford, Massachusetts Phase IIIB Sewers dated December, 1996 prepared for the Chelmsford Sewer Commission by Richard F. Kaminski & Associates, Inc."*, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise

and appropriate, transfer from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

Sewer Commission

Article 16. To see if the Town will vote to authorize a revolving fund under Massachusetts General Law C. 44, S. 53E ½ for the Department of Public Works for Fiscal Year 1999. The receipts to be credited to the fund shall be from the collection of fees and incidental expenses from the full time inspector assigned to each trench opening or excavation site as assigned by the Highway Superintendent. The Public Works Department shall be authorized to spend money from the fund for the purpose of paying the expenses relative to inspections necessary for implementing the full time trench opening or excavation inspection program. Expenditures from the trench opening or excavation inspection program shall be limited to a certain sum during Fiscal Year 1999; or act in relation thereto.

DPW Director

Article 17. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Strobel Lane
Rosemary Lane
Wells Fargo Road
Hollow Ridge Road
Trailside Drive
Hillside Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

Board of Selectmen

Article 18. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 1999. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to a certain sum during Fiscal Year 1999; or act in relation thereto.

Council on Aging

Article 19. To see if the Town will vote to transfer the care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain parcel of land on Middlesex Street, shown as Lot 11 shown on Assessors Map 17, containing 4,361 square feet more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 05059, Page 0317; or act in relation thereto.

Board of Selectmen

Article 20. To see if the Town will vote to authorize the Board of Selectmen to abandon and release to Troop 45, Boy Scouts of America, with respect to the land shown on Assessors Map 42, Lot 2, the restriction and right of reverter set out in a deed from the Town to Troop 45, Boy Scouts of America, dated July 31, 1947, recorded with the Middlesex North Registry of Deeds in Book 1084, Page 231, for consideration of $1.00 and on such other terms and conditions as the Selectmen may determine, which may include a grant of a restrictive covenant and easement to the Town with respect to other property of said Boy Scouts located at 60 Carlisle Street, and shown as Lot 35 on Assessors Map 239, and to authorize the Board of Selectmen to accept a restrictive covenant and easement with respect to said other land, or act in relation thereto.

Board of Selectmen

Article 21. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5J to provide phased property tax assessments for the substantial rehabilitation of owner-occupied residential property which is listed on the State Register of Historic Places; or act in relation thereto.

Board of Selectmen

Article 22. To see if the Town will vote to amend the Zoning Bylaw, Town of Chelmsford, Article V. Definitions by deleting the definition of "Motel or Hotel" as it currently reads:

> Motel or hotel: a building or group of buildings providing accommodation for compensation on a transient basis, but not meeting the definition of "boarding house." Accommodations individually having a stove and either or both a refrigerator and sink shall be considered dwelling units.

and replacing it with the following:

> Motel or hotel: a building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a four-month continuos stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Community Development

Article 23. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift for general municipal services, on such terms and conditions as the Selectmen may determine, two parcels of land abutting Route 3, shown as Parcel F, containing 20,550 square feet, and Parcel G, containing 57,504 square feet, on a plan entitled "Plan of Land in Chelmsford, Mass. Owned by H. E. Fletcher Company," dated August 7, 1985, recorded with the Middlesex North District Registry of Deeds at Plan Book 149, Plan 102, or act in relation thereto.

Board of Selectmen

Article 24. To see if the Town will vote to amend Article II of the General Bylaws of the Town of Chelmsford by deleting the following:

> Section 1 Time of Annual Election - The Annual Election shall be held on the First Tuesday of April.

and replacing with the following:

> Section 1 Time of Annual Election - The Annual Election shall be held on the Second Tuesday of May.

or act in relation thereto.

Board of Selectmen

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 20th day of March, 1998.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Peter V. Lawlor , Chairman

William F. Dalton , Vice Chairman

Philip M. Eliopoulos, Clerk

Stuart G. Weisfeldt

Susan J. Gates

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
SPECIAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 27, 1998:

Thursday, April 30, 1998 at 7:30 p.m.

Monday, May 4, 1998 at 7:30 p.m.

Thursday, May 7, 1998 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-Laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 23, 1998

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: South Row School Cafetorium , Harrington School Gymnasium, Harrington School Gymnasium, Westland School Cafetorium, Byam School Cafetorium, Westland School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, South Row School Cafetorium, and Town Office Building lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

WARRANT FOR SPECIAL
TOWN MEETING APRIL 27, 1998

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Tuesday, the twenty-seventh of April, at 7:45 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to appropriate a sum of money, in addition to the $6,093,399 previously appropriated, for renovating the Center School for use as an educational facility; to determine whether this appropriation shall be raised by borrowing or otherwise; and further to declare that this appropriation shall be deemed an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town, or act in relation thereto.

SUBMITTED BY: **School Committee**
Board of Selectmen
Town Manager

ARTICLE 2. To see if the Town will vote to amend Article II of the General Bylaws of the Town of Chelmsford by deleting the following:

> Section 1 Time of Annual Election - The Annual Election shall be held on the First Tuesday of April.

and replacing with the following:

> Section 1 Time of Annual Election - The Annual Election shall be held on the Second Tuesday of May.

and amending Section 3 Time of Meetings by replacing the "last Monday in April" with "second Monday in April";

or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 1. To see if the Town will vote to appropriate a sum of money, in addition to the $6,093,399 previously appropriated, for renovating the Center School for use as an educational facility; to determine whether this appropriation shall be raised by borrowing or otherwise; and further to declare that this appropriation shall be deemed an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town, or act in relation thereto.

SUBMITTED BY: **School Committee**
Board of Selectmen
Town Manager

ARTICLE 2. To see if the Town will vote to amend Article II of the General Bylaws of the Town of Chelmsford by deleting the following:

> Section 1 Time of Annual Election - The Annual Election shall be held on the First Tuesday of April.

and replacing with the following:

> Section 1 Time of Annual Election - The Annual Election shall be held on the Second Tuesday of May.

and amending Section 3 Time of Meetings by replacing the "last Monday in April" with "second Monday in April";

or act in relation thereto.

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money in order to amend the Fiscal Year 1998 operating budget under Article 2 of the Annual Town Meeting held on April 28, 1997; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase land with improvements, if any, thereon, located on Richardson Road, heretofore leased by the Town for the purpose of a municipal sand and gravel operation, consisting of two parcels, one having approximately twelve acres, being shown on a plan entitled "Plan of Columbia Park, North Chelmsford, surveyed for Patrick T. McMahon," dated July 1902, recorded with the Middlesex North Registry of Deeds, Book of Plans 19, Plan 40, and also shown in Book of Plans 68, Plan 46, and the other having approximately 46,590 square feet, being shown on a plan entitled Plan of Land in Chelmsford, Mass. belonging to Gertrude M. Fallon," dated June 26, 1964, recorded with said Deeds in Plan Book 100, Plan 104A, described in the deed recorded with said Deeds in Book 5004, Page 240, for general municipal purposes, and for such purpose to appropriate by borrowing from the seller of said land the amount of $250,000, to be paid over ten years in equal annual payments of $25,000.00

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money in order to amend the Fiscal Year 1998 operating budget under Article 2 of the Annual Town Meeting held on April 28, 1997; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase land with improvements, if any, thereon, located on Richardson Road, heretofore leased by the Town for the purpose of a municipal sand and gravel operation, consisting of two parcels, one having approximately twelve acres, being shown on a plan entitled "Plan of Columbia Park, North Chelmsford, surveyed for Patrick T. McMahon," dated July 1902, recorded with the Middlesex North Registry of Deeds, Book of Plans 19, Plan 40, and also shown in Book of Plans 68, Plan 46, and the other having approximately 46,590 square feet, being shown on a plan entitled Plan of Land in Chelmsford, Mass. belonging to Gertrude M. Fallon," dated June 26, 1964, recorded with said Deeds in Plan Book 100, Plan 104A, described in the deed recorded with said Deeds in Book 5004, Page 240, for general municipal purposes, and for such purpose to appropriate by borrowing from the seller of said land the amount of $250,000, to be paid over ten years in equal annual payments of $25,000.00

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 9th day of April, 1998.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

William F. Dalton , Chairman

Stuart G. Weisfeldt , Vice Chairman

Philip Eliopoulos, Clerk

Michael F. McCall

Thomas E. Moran

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. April 13, 1998

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: South Row School Cafetorium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium,South Row School Cafetorium, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

TOWN ELECTION APRIL 7, 1998

*Candidate for Re-election

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
SELECTMAN 3 Year Terms (2)										
Blanks	191	155	249	143	192	196	194	160	206	1686
Thomas E. Moran	353	287	420	331	339	386	344	325	352	3137
Susan J. Gates*	286	212	266	231	312	333	381	251	381	2653
Michael F. McCall	303	270	413	301	343	363	382	294	372	3041
Write-In	1	1	0	0	0	0	0	0	0	2
Misc	0	1	0	0	0	0	1	0	1	3
TOTAL	1134	926	1348	1006	1186	1278	1302	1030	1312	10522
SCHOOL COMMITTEE 3 Year Terms (2)										
Blanks	198	159	254	172	210	214	216	165	190	1778
Bruce R. Wolf	189	152	207	169	210	213	225	199	288	1852
Mary-Jo Griffin	373	311	448	340	362	463	466	348	433	3544
Evelyn S. Thoren	372	304	438	324	398	387	392	318	397	3330
Write-In	2	0	1	1	6	1	3	0	3	17
Misc	0	0	0	0	0	0	0	0	1	1
TOTAL	1134	926	1348	1006	1186	1278	1302	1030	1312	10522
LIBRARY TRUSTEE 3 Year Terms (2)										
Blanks	359	297	446	329	364	381	342	332	449	3299
Sarah L. Warner*	406	319	450	354	423	461	464	345	448	3670
John W. Cutter, Jr.*	364	310	448	322	395	435	496	351	414	3535
Write-In	3	0	0	0	2	1	0	2	1	9
Misc	2	0	4	1	2	0	0	0	0	9
TOTAL	1134	926	1348	1006	1186	1278	1302	1030	1312	10522
BOARD OF HEALTH 3 Year Term (1)										
Blanks	142	130	180	142	142	169	156	142	190	1393
Paul J. Canniff*	422	333	492	359	450	468	493	373	463	3853
Write-In	3	0	0	0	1	1	0	0	1	6
Misc	0	0	2	2	0	1	2	0	2	9
TOTAL	567	463	674	503	593	639	651	515	656	5261
PLANNING BOARD 3 Year Terms (2)										
Blanks	255	236	356	229	259	271	277	241	293	2417
Susan E. Carter*	351	314	441	303	376	410	414	317	400	3326
Charles Wojtas	302	196	275	245	311	286	258	232	355	2460
James M. Creegan*	223	180	274	229	238	311	353	239	260	2307
Write-In	3	0	0	0	2	0	0	0	4	9
Misc	0	0	2	0	0	0	0	1	0	3
TOTAL	1134	926	1348	1006	1186	1278	1302	1030	1312	10522

TOWN ELECTION APRIL 7, 1998

*Candidate for Re-election

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
SEWER COMMISSION 3 Year Term(2)										
Blank	320	282	369	272	327	360	360	309	435	3034
Barry B. Balan*	399	299	448	348	411	436	449	327	424	3541
John P. Emerson, Jr.*	411	345	529	385	447	481	485	394	445	3922
Write-in	3	0	0	1	0	1	6	0	8	19
Misc	1	0	2	0	1	0	2	0	0	6
TOTAL	1134	926	1348	1006	1186	1278	1302	1030	1312	10522
HOUSING AUTHORITY 5 Year Term (1)										
Blanks	152	130	198	115	172	179	184	149	202	1481
Scott E. Johnson	413	332	473	386	421	459	465	366	452	3767
Write-In	2	0	1	2	0	1	1	0	1	8
Misc	0	1	2	0	0	0	1	0	1	5
TOTAL	567	463	674	503	593	639	651	515	656	5261
CEMETERY COMMISSION 3 Year Term (1)										
Blanks	95	91	138	85	110	131	142	98	124	1014
Gerald L. Hardy*	352	245	358	324	387	399	411	311	382	3169
Richard B. Nawoichik	120	127	178	93	96	109	96	106	148	1073
Write-in				0					2	2
Misc	0	0	0	1	0	0	2	0	0	3
TOTAL	567	463	674	503	593	639	651	515	656	5261
CONSTABLE 3 Year Term (1)										
Blanks	130	120	177	125	158	157	150	135	198	1350
William E. Spence*	434	343	495	378	432	481	500	379	455	3897
Write-In	3	0	1	0	2	0	1	1	2	10
Misc	0	0	1	0	1	1	0	0	1	4
TOTAL	567	463	674	503	593	639	651	515	656	5261
QUESTION 1										
Blanks	75	78	134	77	116	135	87	85	107	894
Yes	388	252	391	332	386	413	479	335	447	3423
No	104	133	149	94	91	91	85	95	102	944
TOTAL	567	463	674	503	593	639	651	515	656	5261

*Candidate for Re-election

TOWN MTG REPRES (3 YEARS)	PCT # 1
Blanks	1489
William E. Spence*	358
Samuel P. Chase	314
Sarah L. Warner	336
Sandra B. Martinez*	289
Kathryn Brough*	316
Richard G. Allison*	288
Write-in	2
Misc	10
TOTAL	3402

TOWN MTG REPRES (3 YEARS)	PCT #2
Blanks	1167
Stanley W. Norkunas*	244
Jeffrey W. Stallard*	286
Mary Jo Welch*	298
Barry T. Bell*	261
Douglas R. Aker	252
Bonnie I. Foster*	266
Write-in	2
Misc	2
TOTAL	2778

TOWN MTG REPRES (1 YR UNEXPRD)	
Blank	129
Phyllis H. Clark	333
Write-in	1
TOTAL	463

TOWN MTG REPRES (3 YEARS)	PCT # 3
Blanks	1168
John P. Emerson, Jr.*	439
Carol W. Merriam *	374
Henry R. McEnany*	340
Kevin D. Clark	215
Thomas E. Moran	358
James P. Boermeester*	295
Nancy J. Knight*	312
Robert M. Burns	234
H. Steve Flynn	299
Write-in	4
Misc	6
TOTAL	4044

*Candidate for Re-election

TOWN MTG REPRES (3 YEARS)	PCT #4
Blanks	1031
Mark A. House	178
Cathleen H. Latina	253
Helen A. Manahan*	252
John B. Sousa, Jr.*	286
Joan D. Morrison*	279
John R. Hibbard*	242
Jocaob P. Sartz, III*	204
Daniel J. Sullivan*	275
Write-in	2
Misc	16
TOTAL	3018

TOWN MTG REPRES (3 YEARS)	PCT #5
Blanks	1237
Dean Carmeris*	337
Jonathan A. Stevens*	365
W. Allen Thomas, Jr. *	369
Leonard R. Richards, Jr.*	332
Thomas M. Chevalier	304
Dennis T. Bak	287
Frederick S. Marcks	325
Write-in	1
Misc	1
TOTAL	3558

TOWN MTG REPRES (3 YEARS) (6)	PCT #6
Blanks	1913
George T. Chianis	348
Martin A. Gruber*	383
Evangelos T. Lekas*	337
Susan Kupor McHugh*	404
Janet G. Dubner*	402
Write-in	24
A. Taranto	18
Daniel Dubner	5
Misc	0
TOTAL	3834

TOWN MTG REPRES (1 YEAR) (2)	
Blanks	1219
Angelo J. Taranto, Jr. (Write-in)	39
Daniel Lekas	3
Christopher Mullen	2
Write-In	7
Misc	8

*Candidate for Re-election

TOWN MTG REPRES (3 YEARS)	PCT #7
Blanks	1179
Paul F. Gleason*	424
Karen D. Ready*	440
Linda G. Morabito*	407
Jonathan C. Stubbs*	336
Pamela L. Armstrong	395
Peter Dulchinos*	381
Clare L. Jeannotte*	342
Write-in	1
Misc	1
TOTAL	3906

TOWN MTG REPRES (3 YEARS)	PCT #8
Blanks	1181
William C. Curry*	326
Joyce E. Johnson*	317
Angelo J. Taranto*	362
John E. Abbott*	295
Kathleen E. Howe	297
Jacqueline A. Sheehy*	303
Write-in	8
Misc	1
TOTAL	3090

TOWN MTG REPRES (2 YEARS)(2)	
Blanks	631
Linda M. Lee	337
Richard M. Johnson (Write-in)	53
Write-in	9
Write-in	0
Misc	0
TOTAL	1030

TOWN MTG REPRES (3 YEARS)	PCT #9
Blanks	921
Francis J. Barre*	373
Will L. Perry*	369
Lesley M. Mathews	274
James W. Young*	221
Robert P. Mackey	255
Arthur Carmen	219
James E. Mazzola	232
Phyllis M. Elias*	305
Eleanor D. Abbott*	268
Dennis J. Newell, Jr.	213
Gary A. Mathews	281
Write-in	1
Misc	4
TOTAL	3936

Annual Town Meeting
April 27, 1998

The Annual Town Meeting was called to order at 7:35 PM at the Senior Center, by the Moderator Dennis McHugh, who recognized the presence of a quorum. There were 152 Town Meeting Representatives present. The Moderator explained the rules and procedures of the meeting. He made a few public announcements regarding upcoming events. He then asked for a moment of silence for those Town Meeting Representatives who had passed away, since the October meeting: Precinct 2 Representatives Patrick Mike Curran died January 3rd, former Precinct 6 Christopher Driscoll who died on March 12th, and former Precinct 9 Representative Edward Cady who also died on March 12th.

Selectman William Dalton moved that the reading of the Constable's return of the warrant be waived. **Motion carried, unanimously**. Selectman William Dalton moved that the reading of the entire warrant be waived. **Motion carried, unanimously.** The Moderator requested that the Body vote to allow non residents, Bernie DiNatalie, Mark Finneral, Ken DiNisco, and Dale Gienapp address the Body at the time of discussion relating to the School Departments articles. **Motion carried, unanimously**.

UNDER ARTICLE 1. Selectman William Dalton moved that the Town vote to hear reports of the Town Officers and Committees.

Town Manager Bernard Lynch presented a five year financial plan. He gave a presentation where he listed the different areas where revenue is provided and the projected figures. Local taxes, which are allowed to increase up to 2 ½ % each year. State Aid, Chapter 70 funding for education level funding, Lottery funding, 50% Quinn Bill reimbursement, Center School construction reimbursement. Available Funds, which are from stabilization funds transfers. Increase 2 ½ % of Sewer User Fees. 2 ½ % of Cemetery Trust funds. And Local Receipts, such as excise bills, interest on late taxes, rental income, alcoholic licenses, LRTA revenue, and miscellaneous receipts are projected to grow 2 ½ % per year. He listed the projected percentages for five years of expenditures, and the amounts projected to be added to Reserves (Stabilization Fund).

The Moderator then made a point of order. A warrant had been posted by the Constable for a scheduled Special Town Meeting to begin at 7:45 PM. Seeing that it was the time. He moved to adjourn the Annual Town Meeting in order to act upon the scheduled special. **The motion carried, unanimously.**

Special Town Meeting
April 27, 1998

The Special Town Meeting was called to order at 7:45 PM at the Senior Center, by the Moderator Dennis McHugh, who recognized the presence of a quorum. There were 152 Town Meeting Representatives present.

Bernard Lynch, Town Manager moved to adjourn the Special Town Meeting in order to continue hearing the reports under Article 1 of the Annual. He explained that The State Senator Susan Fargo and State Representative Carol Cleven were in the hall and they would like to

Bernard Lynch, Town Manager moved to adjourn the Special Town Meeting in order to continue hearing the reports under Article 1 of the Annual. He explained that The State Senator Susan Fargo and State Representative Carol Cleven were in the hall and they would like to address the Body. The Special Town Meeting would begin immediately at the conclusion of Article 1. The Moderator asked for a show of hands on the motion to recess the Special Town Meeting, at 7:50 PM. **Motion carried, unanimously.**

The Moderator returned to the Adjourned Annual Town Meeting at 7:50 PM, the following action took place:

Under Article 1 Con't State Representative Carol Clevens came forward and announced that herself and Senator Fargo had come from a meeting with the State Board of Transportation this afternoon and that there is a major plan underway by Acting Governor Cellucci to proposed a project for the widening of Route 3 from Burlington, Ma to the New Hampshire border. The Acting Governor will be making an formal announcement tomorrow regarding the details and filing the bill. It will be a private/public partnership a ten year project and there would be no tolls. It must be approved by the Legislature. She then listed various bills and fundings that have taken place. The Tully Forum bill had passed and will be on the Acting Governor's desk by the end of the week waiting for his signature. There will be an increase in State Lottery funding this year. The funds were capped about 3-4 years ago, Legislation voted to remove the cap and distribute the funds throughout the local communities. The Education Reform bill will be funded in the Governor's budget. Early Childhood Education will be funded more this year. She mentioned different Boards and Commissions that have received various grant monies. The Sewer, Library, School Department, Council on Aging, Cultural Council. She thanked the Body for allowing her to appear before them. State Senator Susan Fargo came forth and thanked the Body. She went on and discussed the $4 .5 Million dollar non interest Sewer funding that the Town had obtained. Also according to her office there were about $3 million dollars in grants awarded to various departments and commissions. Her office would continue to work and keep up with the deadlines of the various funding available. It is important to contact the community when the deadline is near and remind them to submit the needed paperwork. Regarding the Rt. 3 project. Public input will be listen to, hearings are scheduled to beginning in May. The project should be completed between the years 2006 to 2010. Asked for questions hearing none, she ended her report.

Linda Prescott of the Historic Commission came forth and announced that May was Preservation Month and in keeping with the spirit of Preservation the Board would like to invite the public to Preservation Day on Saturday May 2nd, between the hours of 9 AM to 12 Noon, tours will be given of the Forefathers Cemetery, 1802 School House. While at these sites walk the Historic District area and visit the tollhouse on the Common. At this time she asked David and Patricia Ayotte to come forth and accept a plaque of appreciation from the Commission in honor of all the work they did on preserving the Olde Mill House in Chelmsford Center. The Town Meeting Body had voted not to tear down this building in order to build a parking lot, at the October 1996 Annual Meeting. The Ayotte's who are tenants of the property restored it. The public is welcomed to an open house on May 2nd to view their work. David Ayotte thanked the Historic Commission, Jack Handley, and the Body for the placque.

Seeing that there were no further reports, The Moderator asked that the Body accept the reports as presented and moved to recessed the Annual Town Meeting at 8:10 PM, in order to proceeded with the Special Town Meeting. **Motion carried, unanimously.**

Special Town Meeting
April 27, 1998

The recessed Special Town Meeting was called to order at 8:10 PM by the Moderator and the following action took place:

Selectman William Dalton moved that the reading of the Constable's return of the warrant be waived. **Motion carried, unanimously**. Selectman William Dalton moved that the reading of the entire warrant be waived. **Motion carried, unanimously.** The Moderator requested that the Body vote to allow non residents, Bernie DiNatalie, Mark Finneral, Ken DiNisco, and Dale Gienapp address the Body at the time of discussion relating to the School Departments articles. **Motion carried, unanimously**.

UNDER ARTICLE 1. Judith Mallette, Chairman of the School Committee moved that the Town vote to appropriate $1,300,000 for renovating the Center School for use as an Educational Facility, such appropriation being in addition to the $6,093,399 previously appropriated for such project by the vote passed under Article 3 of the warrant for the April 25, 1994 annual town meeting as amended by the vote passed under Article 6 of the warrant for the May 4, 1995 special town meeting, said project having been approved by the State Board of Education on August 15, 1997 for a construction grant equal to 64% of the eligible costs of the project as required by such vote as amended; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow $1,300,000. under Chapter 44 of the General Law or Chapter 645 of the Acts of 1948 as amended.

School Superintendent Dr Richard Moser made a presentation to the Body. He introduced the various members of the Center School Building Committee and asked them to stand as he read their names:
Bob Cruickshank, Chairman, Mark Finneral, Mary Frantz, Frank Higson, Bernie Lynch, Judy Mallette, Fred Mansfield, Karen Mazza, Jim Pearson, Charles Piper, Stuart Weisfeldt, DiNisco Design Partnership, which consisted of Ken DiNisco and Dale Gienapp and Clerk of the Works Anne Dodd.

The purpose of the project is to address enrollment increases and overcrowding at the elementary level of K - 4. Other areas had been investigated before deciding on this site. Which included looking for existing space within the School District. via retail/Town Owned space. Modular classrooms or new construction. All alternative motives failed to meet the State mandated conditions for 64% construction aid of the total cost of the project, therefore the Town Meeting body supported the proposed renovation project at the April 1994 Annual Town Meeting. An initial bid process to identify construction contractor was conducted in March of

1998. The first bids totaled $8.1 million. The Committee felt it was more than what the Town could afford. The Committee rejected the bid. The project was scaled back and rebid, which resulted in a cost reduction of $630,000. The changes did not compromised the integrity of the building as an educational institution. The following items changed were: Landscaping and site work, masonry and plastering, classroom ceiling design, roofing materials, hallway tiles, built-in shelving. There is a difference in the cost from the original 1994 estimate of $1,299,741. The Town's share of 36% would be $467,906. He listed the increased figures. This is due to the changes in the building code, building market, the project is labor intensive, inflation, air conditioning, added technology, sewer hook-up. The Town Manager has indicated that the Town can afford it's share of the increase without raising taxes. The building will be ready by September of 1999. Finalizing construction contracts and actual construction will begin in May of 1998. The project is to be completed in 15.5 months, by August 1, 1999. The Moderator asked for any questions, hearing none, he asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. A discussion took place. Robert Joyce questioned why the bidding process didn't start earlier, this would have avoided the increased costs. Judy Mallette, Chairman of the School Committee explained that the prior tenant, the Light House School had a lease agreement and until the school was vacant the bidding couldn't begin. No one could go through the building while it was occupied. When the project was first started a schedule was made for the bidding process. Even though the building ended up becoming vacant before the scheduled time, there was no choice the scheduled process had to be followed. Richard Johnson and Glenn Thoren asked questions about the process. Would there be a late charge enacted if not completed on time? Yes $1000.00 per day. John Emerson, James Doukszewicz asked questions. Selectman William Dalton said that the Board felt it was in the best interest of the Town, even though they were not completely happy with the cost increase and that other departments stay within their budgets. The Moderator asked if there were any further questions? Hearing none he asked for a show of hands. **The motion carried, by the Moderator recognizing the 2/3's vote rule.**

UNDER ARTICLE 2. Selectman William Dalton moved that the Town vote to amend Article II of the General Bylaws of the Town of Chelmsford by deleting the following:

Section 1 Time of Annual Election -

The Annual Election shall be held on the First Tuesday of April.

and replacing with the following:

Section 1 Time of Annual Election -

The Annual Election shall be held on the Second Tuesday of May, and amending Section 3 Time of Meetings by replacing the "last Monday in April" with "second Monday in April".

The Town Manager explained that this article was due to the result of last year's Annual Town Election. A Blizzard had occurred on the Tuesday April 1st election day. The Secretary of State ordered that the election be suspended and ordered it to recommence on Friday April 11th. If the date was changed the weather would not would not play a part in the election process. This would also allow more time in order to provide more information. The Manager

explained that the Board was going to amend the article. Selectman William Dalton moved to amend the article by deleting the last sentence of the article with regards to the amendment to section 3. This way the motion only seeks to change the time of the Annual Election and will not effect the Town Meeting date. The Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the article. Barry Balan questioned what information would be available. The warrant books had to be available two weeks prior to any Town Meeting. New Representatives wouldn't possibility attend a Town Meeting until October. Also there has been snow in May, he urge the Body to leave the election date as it is, and not vote for the amendment or the article. John Fudge felt that there would be much more unnecessary discussion taking place, speakers would not only be Representatives but candidates, because the election would be after the Town Meeting. John Wilder spoke in favor of the article. He felt that any Elected Official who worked on a budget or an article would be able to see it through the process. It's done this way on the federal level. The budget is passed on October 1st and the election is held in November. Selectman Dalton said that there are a lot of elderly who vote and the Board felt that this change in date would be better conditions. Glenn Thoren spoke against the article. He said the weather factor is part of living in New England. The Moderator asked for any further discussion. Hearing none he asked for a show of hands on the motion to amend. **Motion defeated. He then asked for a show of hands on the article, motion defeated.**

UNDER ARTICLE 3. Town Manager Bernard Lynch moved that the Town vote to amend the Fiscal year 1998 Operating Budget as voted under article 2 of the Annual Town Meeting held on April 28, 1997 as amended by the vote passed under Article 7 of the Annual Town Meeting held on October 20, 1997 by making the following changes:

Increase Line Item #5 Public Safety Personnel, by $480,000 to $6,601,379
Increase Line Item #6 Public Safety Expenses, by $13,000 to $625,569.
And that the Town transfer and appropriate $445,495. from Available Funds and $47,505 from Free Cash to defray such changes.

The Town Manager explained the article. The increase in Public Safety was a result of the negotiated contract settlement of the Fire Contract. The personnel had been without a contract for four years. Also the settlement of the Superior Officers contract of the Police Department. They had been working since last June without a contract. The increase in the Public Safety Expense was due to a new approxie floor being needed at the Center Fire Station. He asked the Body to support the article. The Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator as for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 4. Selectman William Dalton moved that the Town vote to authorize the Board of Selectmen to acquire by purchase land with improvements, if any, thereon, located on Richardson Road, heretofore leased by the Town for the purpose of a municipal sand and gravel operation, consisting of two parcels, one having approximately twelve acres, being shown on a plan entitled "Plan of Columbia Park, North Chelmsford, surveyed for Patrick T. McMahon,"dated July 1902, recorded with the Middlesex North Registry of Deeds, Book of Plans 19, Plan 40, and also shown in Book of Plans 68, Plan 46, and the other having

approximately 46,590 square feet, being shown on a plan entitled Plan of Land in Chelmsford, Mass. belonging to Gertrude M. Fallon," dated June 26, 1964, recorded with said Deeds in Plan Book 100, Plan 104A, described in the deed recorded with said Deeds in Book 5004, Page 240, for general municipal purposes, and for such purpose to appropriate by borrowing from the seller of said land the amount of $250,000, to be paid over ten years in equal annual payments of $25,000.00.

The Town Manager explained that the Town leases a portion of this land. It's about a total of 14 acre parcel. It is assessed at $10,000. because it is land locked. The current lease is a ten year lease and the Town pays $20,000.00 per year. The Town has removed approximately 45,000 cubic yards of sand from the property which is worth approximately $400,000. The current ten year lease will cost the Town $200,000, so it is well worth it. There is probably 50,000 yards left on the entire property. So all in all combined the Town would have thirty years worth of sand. By purchasing the property the Town could use it for municipal purposes. The present plan would be for recreational use of ball fields. No interest will be paid. It would be Town owned property so there would not be any trucking costs involved. Presently the sand is removed from the property and trucked into the DPW yard next door. James Doukszewicz asked if this sand could be sold to other municipalities? If so would it require a Town Meeting vote? Haven't looked into selling the sand, at this time, however it could be a future consideration. The Selectmen could sell the sand but not the land without a Town Meeting vote. The Moderator asked for the Finance committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Discussion followed.

George Merrill expressed concerns of the acquifer area which is the source of the North Chelmsford Water supply. This parcel is in the acquifer area. Any type of development on it could effect the water supply. He urged to remove only the sand but not to built any thing on it. John Wilder expressed concerns for the purchase price vs the assessed value. The Town Manager explained that the process to remove sand is an expensive one and anyone could do it and sell the sand, however it may not be worth going through the process unless it was the intention to use the sand directly, which is why it's a good buy for the Town. Brian Latina questioned if this article passed would the Town drop the lease. No, the Town couldn't because it is a signed agreement to lease the portion of land for a full ten years. This would allow the Town to start the necessary process to enable the purchase to be complete by the time the lease ran out on the other portion. John Emerson moved the question. The Moderator asked for a show of hands on the motion to stop debate. **Motion carried, unanimously. The Moderator asked for a show of hands on the article. Motion carried, by the Moderator recognizing the 2/3's rule.**

The Moderator declared that there was no further business at hand concerning the Special Town Meeting, so he declared the meeting adjourned at 9:30 PM.

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

He then commenced to take up the Adjourned Annual Town Meeting at 9:30 PM.

UNDER ARTICLE 2. The Moderator explained that he was going to read the total figure of each department. Some of the figures in the book where incorrect and he would read the figures from the motion presented to him by the Town Manager. The viewgraph reflected the correct figures. He read the Municipal Administration figures, then he read the School Department figure of $32,860,000. Judith Mallette, Chairman of the School Committee moved in increase the figure to read $32,999,078. Which was an increase of $139,078. This increased figure was to be used for future classroom increase and it also reflected a $70,000. contingency fund. The Finance Committee and the Board of Selectmen were against the motion to amend. Barry Balan questioned why the School Committee can't work with the figure that the Town Manager has given them? The Committee wanted to be prepared for the potential overcrowding situation $70,000. of the money will be returned if it is not used. A discussion took place. Brian Latina polled the School Committee for their individual vote on the amendment: Those in favor: J. Mallette, M. Franz, M. Griffin. Those against: T. Volpe and E. Thoren. George Merrill spoke against the motion to amend. William Curry of the Finance Committee explained that the other departments live within their budgets and the School Committee should also. Claire Jeannotte futher explained that the Finance Committee is not against the School budget or education, but the Finance Committee must look at the overall budget that includes all departments, not just the School and the percentage of increases the School has received compared to the other departments. Bernard Lynch explained that since 1994 the School side of the budget has increased 34% and the Town side has increased 21%, he asked for fairness.. Barry Balan moved the question to stop debate. The Moderator asked for a show of hands, **motion carried, unanimously.** He then asked for a show of hands on the motion to amend, **motion defeated.** The Moderator then read the following Departmental budget figures and asked for discussion after each, hearing none he continued to read. Beginning with the Nashoba Technical High School assessment figure of $762,342. The total Public Safety figure of $7,487,419. The total Public Works figure of $4,916,236. The total Sewer Commission figure of $20,000. The total Cemetery Department figure of $233,950. The total Community Services figure of $628,209. The total Library Department figure of $1,010,093. The Undistributed expenses figure of $5,673,101. And the total figure for Debt and Interest of $6,964,081. Dennis Ready moved the question to stop debate. The Moderator asked for a show of hands, **motion carried, unanimously.** He then asked for a show of hands on the total budget figure of $61,284,113. **motion carried** The article reads as follows:

.Selectman William Dalton moved that the Town vote to raise and appropriate the sum of $61,284,113. to defray Town charges for the fiscal period July 1, 1998 to June 30, 1999 according to the following line items:

Municipal Administration	
Personnel Services	$1,155,701
Expenses	$ 548,781
Chelmsford School Department	$ 32,860,000
Nashoba Technical High School Assessment	$ 762,342
Public Safety	

Personnel Services	$ 6,847,970
Expense	$ 639,449
Public Works	
Personnel Services	$ 1,437,790
Expense	$ 3,478,446
Offset Receipt	($ 975,800)
TOTAL	$ 3,940,436
Sewer Commission	
Expense	$ 20,000
Cemetery Department	
Personnel Services	$ 199,375
Expense	$ 34,575
Community Services	
Personnel Services	$ 436,551
Expense	$ 191,658
Library	
Personnel Services	$ 771,146
Expense	$ 238,947
Undistributed Expenses	$ 5,673,101
Debt and Interest	
Principal	$ 5,336,194
Interest	$ 1,627,887

UNDER ARTICLE 3. Town Manager Bernard Lynch moved that the Town vote to transfer $2,000 from Conservation fees under Wetlands Special Revenue Fund to reduce the Conservation Commission Budget Fiscal Year 1999.

The Town Manager explained that this is a yearly article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 4. Town Manager Bernard Lynch moved that the Town vote to transfer the sum of $1,530,000 from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1999 Budget.

The Town Manager explained that this was a standard article of the Sewer Commission. The betterment money is used to offset the cost of the sewer project. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 5. Town Manager Bernard Lynch moved that the Town vote to transfer the sum of $265,049 from Sewer Rate Relief Funds, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 1999 Budget

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 6. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate the sum of $ 150,000.00 to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 7. Town Manager Bernard Lynch moved that the Town vote to appropriate the sum of $1,350,000 for the following capital projects:

Department	Project	
Cemetery	Pick-up Truck	$25,000.00
Fire	Pick-up Truck/Plow	$25,000.00
	Station Roof Repair	$15,000.00
	Engine Refurbishment	$40,000.00
Library	Computer Upgrade	$75,000.00
Police	Cruiser Replacement	$130,000.00
Police/Fire	Rescue Boat/Trailer	$20,000.00
DPW	Drainage Projects	$100,000.00
	Road Maintenance	$100,000.00
	Dump Truck/Sander	$90,000.00
	Street Sweeper	$90,000.00
	Sidewalk Tractor	$60,000.00
Elder Services	Steamer	$15,000.00
School	Telecommunications	$185,000.00
	Microscopes	$30,000.00
	One Ton Dump Truck	$26,000.00
	Academic Technology	$260,000.00
	Administrative Technology	$64,000.00
	Total	$1,350,000.00

and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $1,350,000.00 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority.

The Town Manager explained the article. A discussion followed. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Barry Balan moved the question to stop debate. The Moderator asked for a show of hands, **motion carried, by the Moderator recognizing the 2/3's rule.** The Moderator asked for a show of hands on the article. **The motion carried, by the Moderator recognizing the 2/3's rule.**

UNDER ARTICLE 8. Cemetery Superintendent John Sousa moved that the Town vote to transfer the sum of $24,000.00 from the sale of the graves and lots to the Cemetery Improvement and Development Fund.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 9. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate the sum of $19,000 to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 10. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate the sum of $20,000 for the purpose of funding the sand lease approved by the Town under Article 12 of the 1989 Annual Town Meeting.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

Robert Joyce moved to adjourned the Town Meeting until Thursday April 30, 1998, 7:30 PM at the Senior Center. The Moderator asked for a show of hands, **motion carried, unanimously**.
The meeting adjourned at 11:00 PM.

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

Adjourned Annual Town Meeting
April 30, 1998

The Adjourned Annual Town Meeting was called to order at 7:45 PM at the Senior Center, by the Moderator Dennis McHugh, who recognized the presence of a quorum. There were 150 Town Meeting Representatives present. The Moderator made a public announcement concerning the upcoming CHS musical, P.T. Barnum. Tickets are available for May 7th, 8th and 9th shows.

UNDER ARTICLE 11. Town Manager Bernard Lynch moved that the Town vote to appropriate the sum of $ 4,890,000, for the purpose of designing and constructing a police station at the site of the existing police station at 230 North Road including original equipment and furnishings related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow $ 4,890,000 under General Laws Chapter 44, Section 7; and that the Town Manager is authorized to take any other action to carry out this project.

Town Manager Bernard Lynch, explained that the money for this project is included in his long term five year financial plan. The existing building is 7.500 sq feet in size and was built in the mid 60's. It is too small to accommodate the size of the community that Chelmsford has become. The designed proposal is the right size building and the most efficient. He then asked the Moderator to allow Mark Weisman and Jeff McElravy, Architects of the firm Kaestle Boos Associates, to speak and make a presentation to the Body. The Moderator asked for a show of hands, **motion carried.** The architects gave a 3-D presentation showing the layout of the proposed building. There would be an area set aside for the public for non criminal activities that needed assistance, such as children fingerprinting ID's etc. A private area for victims of crimes to be interviewed in. A much needed training area. Storage area, plus a secure record keeping area. A area and entrance where criminals are held but not accessible to the public view. The upstairs would hold the administration offices. It will be built on the present site. The estimated cost of the building is $4.9 million which includes a ten percent contingency to accommodate higher than expected bids. Also a three percent inflation contingency has been built into the figure. Mark Weisman explained that the project should go out for bid by November, ground breaking in March of 1999. It should take about fourteen months to complete. David McLachlan asked if there is any plan for combining the Public Safety Departments all into one building. The Town Manager said no. This site will be strictly for Police use only. It has been found that it's more efficient to have two separate departments. Robert Hall asked if the alternate housing cost was part of the article. The Manager said it was, however, a location hasn't been chosen as of yet. Probably begin moving in February or March of 1999. George Merrill questioned why the New Lighthouse School could be built for less money and provide more space than this project. The Architects explained that the difference in space requirement alone is much different. Also the cost and need for different type of security. Brian Latina questioned if there was an alternate back up plan? Selectman Philip Eliopoulos who was a member of the committee, explained that the original project figure was $5.9 million. The plan was scaled down to the present figures. John Wilder questioned if there would be any State or Federal grant monies available for the project. The Manager explained that this is an area when grant money is unobtainable. No grants are allowed for public safety buildings. The Finance Committee and the Board of

Selectmen supported the article. John Wilder expressed concern over the cost. The Town Manager said that this is the purpose of the five year plan, to show how the expenses will be dealt with. He felt that this project and others can be handled. Dennis Ready spoke in favor, felt that the project was long over due. It was a well thought out and well planned project. The Moderator asked for a show of hands on the article. **The motion carried, by the Moderator recognizing the 2/3's rule.**

UNDER ARTICLE 12. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate the sum of $20,000.00 to provide Senior Citizen Real Estate Tax Payment Vouchers for services rendered, pursuant to an agreement services rendered, pursuant to an agreement by the Town Manager.

The Town Manager explained that this is a standard yearly article. This year in order to improve and expand the program and make it available to more people the amount has been increased. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 13. The Town Manager moved to withdraw this article seeing that there are no bills from the previous year. The Moderator asked for a show of hands, **motion carried, unanimously.** The article read as follows:

That the Town vote to raise and appropriate or transfer from available funds, with which to meet bills from previous year.

UNDER ARTICLE 14. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate the sum of $10,000 to the Community Action Program established under Article 12 of the April 29, 1996 Annual Town Meeting in order to provide matching funds to community improvement projects by individuals and/or organizations within the Town of Chelmsford.

The Town Manager explained that this program was started a few years ago. No funding was done in 1996 or 1997. Money is used to encourage neighborhoods to improve their area. He listed the accomplishments. The Friendship Park at the former East School site. Southwell Field used money to purchase benches. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 15. Selectman William Dalton moved to amend the article by deleting the last sentence of the article "and to vote to borrow a certain sum of money to defray all necessary costs,. fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking". The Finance and the Board of Selectmen were in favor of the motion to amend. The Moderator asked for a show of hands on the motion to amend. **Motion carried.** The Moderator asked for a show of hands on the article as amended. **motion carried, unanimously.** The article reads as follows:

Chairman of the Sewer Commission John Emerson Jr. moved that the Town vote to authorize the Board of Selectmen and the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by

purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts Phase IIIC Sewers dated April, 1998, prepared for the Chelmsford Sewer Commission by Richard F. Kaminski & Associates, Inc.", and "Plan of Access Easement in Chelmsford, Massachusetts" Hart Pond Area Phase IIIC Sewers dated April 1, 1998 prepared for the Chelmsford Sewer Commission by Richard F. Kaminski and Associates, Inc., copies of which are on file in the office of the Town Engineer and are incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto.

UNDER ARTICLE 16. Town Manager Bernard Lynch moved that the article be withdrawn. The Finance Committee was in favor of the withdrawing of the article. The Moderator asked for a show of hands, **motion carried, unanimously.** The article read as follows:

That the Town vote to authorize a revolving fund under Massachusetts General Law C. 44, S. 53E ½ for the Department of Public Works for Fiscal Year 1999. The receipts to be credited to the fund shall be from the collection of fees and incidental expenses from the full time inspector assigned to each trench opening or excavation site as assigned by the Highway Superintendent. The Public Works Department shall be authorized to spend money from the fund for the purpose of paying the expenses relative to inspections necessary for implementing the full time trench opening or excavation inspection program. Expenditures from the trench opening or excavation inspection program shall be limited to $ 25,000 during Fiscal Year 1999.

UNDER ARTICLE 17. Selectman William Dalton moved that the Town vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Strobel Lane
Rosemary Lane
Wells Fargo Road
Hollow Ridge Road
Trailside Drive
Hillside Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to raise and appropriate $ 6.00 to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 18. Town Manager Bernard Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 1999. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to $ 300,000 during Fiscal Year 1999.

The Town Manager explained that this is a requirement by the State that a vote be taken and that the revolving account is approved each year. This account was started last year. It is zero cost to the Town, he asked for approval. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 19. Selectman William Dalton moved that the Town vote to transfer the care, custody, management, and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain parcel of land on Middlesex Street, shown as Lot 11 shown on Assessor's Map 17, containing 4,361 square feet more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 05059, Page 0317.

The Town Manager explained that the Town took this property for back taxes, and want to sell it to the highest bidder. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 20. Selectman William Dalton moved that the Town vote to authorize the Board of Selectmen to abandon and release to Troop 45, Boy Scouts of America, with respect to the land shown on Assessors Map 42, Lot 2, the restriction and right of reverter set out in a deed from the Town to Troop 45, Boy Scouts of America, dated July 31, 1947, recorded with the Middlesex North Registry of Deeds in Book 1084, Page 231, for consideration of $1.00 and on such other terms and conditions as the Selectmen may determine, which may include a grant of a restrictive covenant and easement to the Town with respect to other property of said Boy Scouts located at 60 Carlisle Street, and shown as Lot 35 on Assessors Map 239, and to authorize the Board of Selectmen to accept a restrictive covenant and easement with respect to said other land.

The Town Manager explained that the property in question is six acres of land that is off Penni lane and abuts Route 3. In 1936 the Town of Chelmsford took the land for non payment of taxes. In 1947 the Town conveyed the land to the Boy Scouts. Within the deed there is wording of a reverter clause and restrictive date. The land can not be conveyed to anyone but the Town. Due to a new law the reverter has expired. According to Town Counsel, the Town can only act on the conveying of the property. The Boy Scouts appeared before the Board of Selectmen and said that they wanted to sell this property in order to repair the Council Headquarters located at the former East School on Carlisle St. The Board felt that the Body should vote on the issue of

should the Town convey the rights to sell the property. He asked for the Moderator to allow Thomas Markham, of the Greater Lowell Council of Boy Scouts of America to address the Body with the proposal. The Moderator asked for a show of hands, **motion carried.** Thomas Markham came forward and made his presentation. He explained that the land was sold to the Scouts for $1.00 It was a forest area. Due to the surrounding area of the site becoming built up the site hasn't been used by the scouts for years. He felt that the sale of the land for the development of homes would be more beneficial to the Scouts. The property on Carlisle Street was in terrible shape. The money from the land sale would go towards putting siding on the outside along with new replacement windows, and repairing the bathrooms. Money would go into a long term endowment fund which will be created to help pay for annual cost of running the scouting program. Dennis Ready explained that he had appeared before the Board of Selectmen and asked if the Town would be interested as obtaining the land as open space. It could be used as an recreational area, which would make a big impact on the neighborhood. There was no direct interest at the time so he further pursued the issue to see if a private developer would be interested in the land. He felt that three or four homes would be a better solution for all. A number of questions were asked. John Wilder questioned if this would be a enforceable sale agreement? Christopher Garrahan question exactly when did troop 45 dissolved? Why did it come under the Council. Thomas Markham explained that the Council oversees the troop and when it dissolved the land came under the Council's jurisdiction. Residents in the area of the East School property asked questions. Gerald Pacht wanted to know what guarantee if any that the money would be spent on repairs to the building? Selectman Dalton said that if the article passed tonight, the Board would work with the Scouts to make sure repairs are done. Kathy Redican wanted to know when the entire building inside would be fixed? Thomas Markham said that fund raising would be done to compete future interior work. It all can't be done now. The Council's intention is to make a partnership with the Town as the building could be rented out during the day, which would provide revenue to the Scouts, or use a portion as a recreational center for the East Chelmsford residents. Roger Sumner asked when was the land used last. In the 1960's. Penni Lane resident Carol Bruell asked questions about the development. The Moderator asked for the Finance Committee recommendation. The Committee wanted to hear more debate. The Board of Selectmen want to hear more discussion. A lengthy discussion took place. Selectman Philip Eliopoulos explained that a yes vote would only allow the Selectmen to go forward and decide what would be in the best interest of the Town. Kit Harbison questioned if the Town could buy back the East School property, then rent it back to the Scouts. This idea hadn't been approached by either party as of yet. Glenn Thoren felt that the land when sold to the Scouts, was to be used as recreational use, either by the Scouts or the Town and just because the law has changed the original intent should be followed. A number of Representatives spoke against the article. Barbara Ward, William Spence, Roger Sumner, Jeff Stallard. Susan Gates spoke in favor of the article. Susan Carter, Chairman of the Planning Board said that the Planning Board was against any type of development of the land. Donna Ready spoke in favor of the article. She mentioned the numerous projects that had been completed by her sons and others for the good of the Town. She felt that it was time for the Town to help the Scouts. Frederick Marcks moved the question to stop any further debate. The Moderator asked for a show of hands, **motion carried, by the Moderator recognizing the 2/3's rule.** The Moderator then asked for a show of hands on the article. **Motion defeated.**

UNDER ARTICLE 21. Selectman William Dalton moved that the Town vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5J to provide phased

property tax assessments for the substantial rehabilitation of owner-occupied residential property which is listed on the State Register of Historic Places.

The Town Manager explained that this would allow the Town to adopt a new law that was passed by the State Legislation. When taxpayers who are owner-occupants of historic property make improvements to their property, the increased assessed value resulting from such rehabilitation shall be phased in one-fifth increments over a period of five years to the full assessed value of the property. Peggy Dunn said that the Historic District Commission was in favor of the article. Jeff Stallard of the Historic Commission questioned if this included endanger houses. No, only those on the State Registered list. Peggy Dunn said that at the moment there is only one eligible owner-property that this would be applied to. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 22. Land Use Coordinator Andrew Sheehan moved that the Town vote to amend the Zoning Bylaw, Town of Chelmsford, by deleting the definition of "Motel or Hotel" as it currently reads:

Motel or hotel: a building or group of buildings providing accommodation for compensation on a transient basis, but not meeting the definition of "boarding house." Accommodations individually having a stove and either or both a refrigerator and sink shall be considered dwelling units.

and replacing it with the following:

Motel or hotel: a building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a four-month continuous stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Andrew Sheehan, Community Development coordinator explained that this would allow kitchen areas to be included in extended stay hotels. Presently this is not allowed. It is in surrounding communities. The by-law purposely does not allow a guest to occupy the hotel as a permanent address. It was asked who would enforce this by-law. The Building Inspector would be responsible. The Moderator asked for the Planning Board's recommendation. Chairman of the Planning Board, Susan Carter read the Board's recommendation:

The Planning Board held a public hearing on April 8, 1998 on article 22, after advertising a legal notice in the Lowell Sun on March 23, 1998 and March 30, 1998, a minimum of 14 days before the hearing. A copy of the ad was sent to all abutting towns and the appropriate agencies, as required in the Massachusetts General Laws, Chapter 40A, Section 5. At the meeting on April 8, 1998 the proponents, residents and the Planning Board discussed the merits of this zoning by-law change. It is the opinion of the Planning Board that changing the zoning definition of "Motel or Hotel" will provide more clarity and will allow for the inclusion of extended stay hotels towards which the industry is turning. Therefore, in keeping with the

general intent of the Zoning By-laws in the development of the community, the Planning Board voted unanimously (7-0) to recommend this change in the zoning definition of "Motel or Hotel". The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, by the Moderator recognizing the 2/3's rule.**

UNDER ARTICLE 23. Selectman William Dalton moved that the Town vote to authorize the Board of Selectmen to acquire by gift for general municipal Services, on such terms and conditions as the Selectmen may determine, two parcels of land abutting Route 3, shown as Parcel F, containing 20,550 square feet, and Parcel G, containing 57,504 square feet, on a plan entitled "Plan of Land in Chelmsford, Mass. Owned by H. E. Fletcher Company,"dated August 7, 1985, recorded with the Middlesex North District Registry of Deeds at Plan Book 149, Plan 102.

The Town Manager explained that there were sixty-six acres of land that the Town took last year. When the final deed was done these two parcels of land were discovered. It is the owner's wish to turned this over to the Town along with the sixty-six areas. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 24. The Manager explained that this article had been already addressed under article 2 of the Special Meeting of Monday night and moved to withdraw it. The Moderator asked for a show of hands, **motion carried, unanimously.**

Seeing that there was no further business at hand, The Moderator declared the meeting adjourned sine die. The meeting adjourned at 10:30 PM.

_____ _____

Dennis E. McHugh, Moderator Mary E. St.Hilaire, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

MIDDLESEX

To the Constable of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at:

Precinct 1	South Row Elementary School Cafeteria, 250 Boston Road
Precinct 2	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4	Westland Elementary School Cafetorium, 170 Dalton Road
Precinct 5	Byam School Elementary Cafetorium, 25 Maple Road
Precinct 6	Westland Elementary School Cafetorium, 170 Dalton Road
Precinct 7	McCarthy Middle School Small Gymnasium, 250 North Road
Precinct 8	McCarthy Middle School Small Gymnasium, 250 North Road
Precinct 9	South Row Elementary School Cafeteria, 250 Boston Road

On **TUESDAY, THE FIFTEENTH DAY OF SEPTEMBER, 1998** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

GOVERNOR	**FOR THE COMMONWEALTH**
LT. GOVERNOR	" " "
ATTORNEY GENERAL	" " "
SECRETARY	" " "
TREASURER	" " "
AUDITOR	" " "
REPRESENTATIVE IN CONGRESS	**5TH Congressional District**
COUNCILLOR	**3RD Councillor District**
SENATOR IN GENERAL COURT	**5TH Middlesex Senatorial District**
REPRESENTATIVE IN GENERAL COURT	**16TH Middlesex Representative District**
DISTRICT ATTORNEY	**Northern District**
SHERIFF	**Middlesex County**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting:

Given under our hands this 3rd day of September 1998.

William F. Dalton, Chairman

Stuart G. Weisfeldt, Vice Chairman

Phillip M. Eliopoulos, Clerk

Thomas E. Moran

Michael F. McCall

CHELMSFORD BOARD OF SELECTMEN

TOWN OF CHELMSFORD
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX DATE: September 4, 1998

Pursuant to the within Primary Election Warrant, I have notified and warned the inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit:

South Row Cafeteria, Harrington School Gymnasium, Harrington School Gymnasium, Westland School Cafetorium, Byam School Cafetorium, Westland School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, and South Row School Cafeteria.

Signed William E. Spence
William E. Spence, Constable

A True Copy Attest, William E. Spence
William E. Spence, Constable

DEMOCRATIC STATE PRIMARY - SEPTEMBER 15,1998

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
GOVERNOR										
Blanks	11	8	14	9	8	8	10	19	6	93
Brian J. Donnelly	53	33	56	47	42	50	34	27	44	386
Scott Harshbarger	144	141	185	148	168	226	153	170	163	1498
Patricia McGovern	113	106	119	113	115	161	141	148	104	1120
Write-In	5	1	1	0	0	4	0	1	0	12
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	326	289	375	317	333	449	338	365	317	3109
LT GOVERNOR										
Blanks	60	57	80	45	72	84	86	81	63	628
Dorothy A. Kelly Gay	118	98	125	109	127	141	92	128	109	1047
Warren E. Tolman	145	131	170	163	132	222	160	154	145	1422
Write-In	3	2	0	0	0	2	0	2	0	9
Misc	0	1	0	0	2	0	0	0	0	3
TOTAL	326	289	375	317	333	449	338	365	317	3109
ATTORNEY GENERAL										
Blanks	16	9	17	17	13	13	14	11	10	120
Lois G. Pines	142	109	148	119	157	169	127	146	126	1243
Thomas F. Reilly	168	169	210	181	163	267	196	207	181	1742
Write-In	0	0	0	0	0	0	0	1	0	1
Misc	0	2	0	0	0	0	1	0	0	3
TOTAL	326	289	375	317	333	449	338	365	317	3109
SECRETARY OF STATE										
Blanks	89	79	113	80	83	122	120	98	101	885
William Francis Galvin	236	208	262	237	250	326	217	266	214	2216
Write-In	1	1	0	0	0	0	0	1	1	4
Misc	0	1	0	0	0	1	1	0	1	4
TOTAL	326	289	375	317	333	449	338	365	317	3109
TREASURER										
Blanks	92	86	110	82	99	139	131	114	108	961
Shannon P. O'Brien	234	202	265	235	234	309	206	249	209	2143
Write-In	0	0	0	0	0	1	0	1	0	2
Misc	0	1	0	0	0	0	1	1	0	3
TOTAL	326	289	375	317	333	449	338	365	317	3109
AUDITOR										
Blanks	88	78	101	78	93	125	117	95	100	875
A. Joseph DeNucci	238	210	274	239	239	323	220	269	217	2229
Write-In	0	0	0	0	1	0	0	1	0	2
Misc	0	1	0	0	0	1	1	0	0	3
TOTAL	326	289	375	317	333	449	338	365	317	3109

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REPRESENTATIVE CONGRESS -5th										
Blanks	49	38	66	60	48	77	61	59	58	516
Martin T. Meehan	277	249	309	256	284	369	276	305	257	2582
Write-In	0	1	0	0	0	1	0	1	2	5
Misc	0	1	0	1	1	2	1	0	0	6
TOTAL	326	289	375	317	333	449	338	365	317	3109
COUNCILLOR - 3rd District										
Blanks	78	52	88	44	82	90	83	84	81	682
Ginny Allan	25	17	11	17	29	37	18	21	21	196
Garrett J. Barry	6	8	7	12	14	11	7	10	11	86
John W. Costello	21	14	25	25	32	19	19	25	19	199
Marilyn Petitto Devaney	19	17	27	19	18	18	12	18	20	168
Leonard H. Golder	10	7	7	10	8	5	4	3	7	61
Howard I. Goldstein	2	9	11	8	11	10	7	11	12	81
Ruth E. Nemzoff	13	17	8	7	8	22	13	10	20	118
Francis Thomas "Frank" Talty	152	148	191	175	131	237	175	182	126	1517
Write-In	0	0	0	0	0	0	0	1	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	326	289	375	317	333	449	338	365	317	3109
SENATOR GENERAL COURT-5th Mldsx										
Blanks	81	79	102	69	76	98	86	92	84	767
Susan C. Fargo	242	208	273	248	256	350	252	272	232	2333
Write-In	3	2	0	0	0	0	0	1	1	7
Misc	0	0	0	0	1	1	0	0	0	2
TOTAL	326	289	375	317	333	449	338	365	317	3109
REPRESENTATIVE IN GENERAL COURT-16th Mldsx										
Blanks	75	55	84	50	89	107	109	93	94	756
William F. Dalton	244	230	288	265	235	328	215	267	211	2283
Write-In	7	3	3	1	7	14	14	5	11	65
Misc	0	1	0	1	2	0	0	0	1	5
TOTAL	326	289	375	317	333	449	338	365	317	3109
DISTRICT ATTORNEY - Northern Dist										
Blanks	46	25	46	32	33	35	41	48	37	343
Martha Coakley	149	151	157	134	173	225	173	166	155	1483
Timothy R. Flaherty	51	59	64	66	66	77	55	62	47	547
Michael A. Sullivan	80	54	108	85	61	112	69	88	78	735
Write-In	0	0	0	0	0	0	0	1	0	1
TOTAL	326	289	375	317	333	449	338	365	317	3109

SHERIFF - Middlesex County	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
Blanks	41	40	52	22	45	48	51	51	45	395
James V. Dipaola	149	127	160	166	135	222	163	161	153	1436
Edward J. Kennedy, Jr.	135	121	163	129	153	179	124	153	119	1276
Write-In	1	1	0	0	0	0	0	0	0	2
TOTAL	326	289	375	317	333	449	338	365	317	3109

REPUBLICAN STATE PRIMARY - SEPTEMBER 15,1998

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
GOVERNOR										
Blanks	3	1	4	2	5	3	1	4	2	25
Argeo Paul Cellucci	137	79	130	103	127	144	142	105	141	1108
Joseph D. Malone	95	62	88	80	92	118	106	108	124	873
Write-In	0	0	0	0	2	0	0	0	2	4
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	235	142	222	185	226	265	249	217	269	2010
LT GOVERNOR										
Blanks	17	14	26	13	26	22	30	31	17	196
Janet E. Jeghelian	103	70	77	78	102	130	95	111	130	896
Jane Maria Swift	115	58	118	94	98	112	123	75	120	913
Write-In	0	0	1	0	0	0	0	0	2	3
Misc	0	0	0	0	0	1	1	0	0	2
TOTAL	235	142	222	185	226	265	249	217	269	2010
ATTORNEY GENERAL										
Blanks	69	37	54	47	67	66	72	58	67	537
Brad Bailey	165	103	168	134	159	198	174	158	196	1455
Write-In	1	2	0	4	0	0	3	1	5	16
Misc	0	0	0	0	0	1	0	0	1	2
TOTAL	235	142	222	185	226	265	249	217	269	2010
SECRETARY OF STATE										
Blanks	87	51	75	60	81	78	94	66	93	685
Dale C. Jenkins, Jr	148	90	147	125	145	187	154	151	175	1322
Write-In	0	1	0	0	0	0	1	0	1	3
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	235	142	222	185	226	265	249	217	269	2010
TREASURER										
Blanks	93	53	74	61	82	79	97	69	94	702
Robert A. Maginn	142	89	147	123	144	185	151	148	174	1303
Write-In	0	0	0	0	0	0	1	0	1	2
Misc	0	0	1	1	0	1	0	0	0	3
TOTAL	235	142	222	185	226	265	249	217	269	2010
AUDITOR										
Blanks	90	56	72	63	81	79	95	69	88	693
Michael T. Duffy	145	86	150	122	145	185	153	148	179	1313
Write-In	0	0	0	0	0	0	1	0	2	3
Misc	0	0	0	0	0	1	0	0	0	1
TOTAL	235	142	222	185	226	265	249	217	269	2010

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REPRESENTATIVE CONGRESS -5th										
Blanks	85	55	72	62	80	86	98	62	88	688
David E. Coleman	150	86	150	123	144	177	151	155	181	1317
Write-In	0	0	0	0	2	1	0	0	0	3
Misc	0	1	0	0	0	1	0	0	0	2
TOTAL	235	142	222	185	226	265	249	217	269	2010
COUNCILLOR - 3rd District										
Blanks	105	63	83	68	88	90	106	72	99	774
John Henry DeJong	130	79	139	117	138	174	142	145	169	1233
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	1	1	0	1	3
TOTAL	235	142	222	185	226	265	249	217	269	2010
SENATOR GENERAL COURT-5th Mldsx										
Blanks	78	52	70	57	77	83	91	60	83	651
Thomas F. Healy	157	89	152	128	147	182	158	157	186	1356
Write-In	0	0	0	0	1	0	0	0	0	1
Misc	0	1	0	0	1	0	0	0	0	2
TOTAL	235	142	222	185	226	265	249	217	269	2010
REPRESENTATIVE IN GENERAL COURT-16th Mldsx										
Blanks	67	43	46	64	52	66	52	54	76	520
Carol C. Cleven	156	92	171	113	165	189	195	158	187	1426
Write-In	12	4	4	5	8	8	2	5	6	54
Misc	0	3	1	3	1	2	0	0	0	10
TOTAL	235	142	222	185	226	265	249	217	269	2010
DISTRICT ATTORNEY - Northern Dist										
Blanks	93	55	76	64	91	94	101	74	92	740
Lee Johnson	142	86	145	120	135	170	148	143	175	1264
Write-In	0	1	1	1	0	1	0	0	2	6
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	235	142	222	185	226	265	249	217	269	2010
SHERIFF - Middlesex County										
Blanks	217	132	203	164	215	240	226	196	240	1833
Write-In	18	5	7	5	6	9	9	21	11	91
Misc	0	5	12	16	5	16	14	0	18	86
TOTAL	235	142	222	185	226	265	249	217	269	2010

REFORM STATE PRIMARY - SEPTEMBER 15,1998

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
GOVERNOR										
Blanks	0	0	0	0	1	0	0	0	0	1
Write-In Brian Delhaney	0	0	1	0	0	0	0	0	0	1
Write-In Cellucci	0	1	0	0	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3
LT GOVERNOR										
Blanks	0	1	0	0	1	0	0	0	0	2
Write-In D. Gay	0	0	1	0	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3
ATTORNEY GENERAL										
Blanks	0	0	1	0	1	0	0	0	0	2
Write-In O'Reilly	0	1	0	0	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3
SECRETARY OF STATE										
Blanks	0	1	1	0	1	0	0	0	0	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3
TREASURER										
Blanks	0	1	0	0	1	0	0	0	0	2
Write-In O'Brien	0	0	1	0	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3
AUDITOR										
Blanks	0	1	1	0	1	0	0	0	0	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3
REPRESENTATIVE CONGRESS -5th										
Blanks	0	0	1	0	0	0	0	0	0	1
Write-In Dalton	0	1	0	0	0	0	0	0	0	1
Write-In Carol Cleven	0	0	0	0	1	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3

COUNCILLOR - 3rd District

Blanks	0	1	1	0	1	0	0	0	0	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3

SENATOR GENERAL COURT-5th Mldsx

Blanks	0	1	1	0	1	0	0	0	0	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3

REPRESENTATIVE IN GENERAL COURT-16th Mldsx

Blanks	0	1	1	0	1	0	0	0	0	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3

DISTRICT ATTORNEY - Northern Dist

Blanks	0	1	0	0	1	0	0	0	0	2
Write-In Flarant	0	0	1	0	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3

SHERIFF - Middlesex County

Blanks	0	1	1	0	1	0	0	0	0	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	0	1	0	0	0	0	3

WARRANT FOR ANNUAL
TOWN MEETING OCTOBER 19, 1998

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the nineteenth of October, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to appropriate from free cash $1,000,000 (one million) for the reduction of the tax rate; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager

ARTICLE 3. To see if the Town will vote to transfer from Free Cash $750,000 to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer and appropriate $518,670 to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 6. To see if the Town will vote to rescind Article 15 of the Fall Town Meeting of October 20, 1997 which established an Enterprise Fund in accordance with G.L. c.44, Section 53 F ½ for the operation of the Tully Forum; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 7. To see if the Town will vote to transfer from Free Cash $94,979 to the School Department, said funding coming from Medicaid reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 8. To see if the Town will vote to amend the Fiscal Year 1999 operating budget under Article 2 of the Annual Town Meeting held on April 27, 1998 as follows:

Increase Line Item #2, Municipal Administration Expenses, by $40,000

Increase Line Item #3, Chelmsford School Department, by $118,000

Increase Line Item #8, Public Works Expenses, by $50,000

Increase Line Item #12, Community Services Personnel Services, by $15,000

And that the Town raise and appropriate or transfer a certain sum from Free Cash to defray such changes; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 9. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise, the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Chelmsford Center Project 05809, prepared by Vanasse Hangen Brustlin, Inc.," a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference, for the purpose of Central Square Improvements; and to vote to

raise and appropriate, transfer from available funds, or borrow a sum of money for said acquisition, or to take any other action relative thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 10. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise, a portion of a parcel owned by J.H. Realty Trust III, John M. Handley, Trustee, recorded with Middlesex North District Registry of Deeds, Book 7848, page 8, dated January 26, 1996, and to raise and appropriate, transfer from available funds, or borrow a sum of money for said acquisition, or to take any other action relative thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 11. To see if the Town will vote to accept the provisions of Section 22E of M.G.L. Chapter 166 relative to the removal and replacement of facilities by the Town under a Cooperation Agreement with utility companies to facilitate the depression of overhead utilties in the Chelmsford Center area and further described and shown on a set of plans on file in the office of the Town Engineer and is incorporated herein by reference; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 12. To see if the Town will vote to transfer the care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain portion of a parcel of land shown as Lot 9 on Assessors Map 7, starting at a point on the southeasterly property line of the town-owned land approximately 115 feet from the line of Tyngsboro Road, then northwesterly approximately 5 feet, then northeasterly approximately 30 feet, then southeasterly approximately 5 feet to the property line; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to accept the gift of the following described parcel of land from John Burbuti and Florence T. Barbuti. The subject parcel is held by John Burbuti and Florence T. Barbuti as tenants by the entirety under a deed with quitclaim covenants duly recorded with Middlesex North District Registry of Deeds at Book 1839, Page 355 and appears on a plan prepared by Bradford Saivetz and Associates Inc., Consulting Engineers, entitled "Modification, Old Stage Estates, Chelmsford, Mass." dated January 4, 1965, duly recorded with Middlesex North Registry of Deeds at Plan Book 101, Plan

110; said parcel is shown and identified in said plan as Lot 4186A, and contains 24,180 square feet of land more or less, according to said plan; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 14. To see if the Town will vote to amend the vote taken under Article 11 of the April 27, 1998 Town Meeting to relocate the proposed police station from its existing site at 230 North Road to a portion of the McCarthy Middle School site on North Road; and to see if the Town will vote to appropriate a sum of money, in addition to the sum of $4,890,000 previously appropriated, for the purpose of designing and constructing a police station; to determine whether this appropriation shall be raised by borrowing or otherwise; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen & Town Manager**

ARTICLE 15. To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money, not to exceed $80,000, to fund a Chelmsford Public Schools Facility Study, further described and shown on a set of plans entitled " District-wide School Facilities Study: Request for Proposals for Architectural and Engineering Services" a copy of which is located on file in the Office of the Superintendent of Schools; or act in relation thereto.

SUBMITTED BY: **School Committee**

ARTICLE 16. To see if the Town will vote to maintain grinder pumps for all single family homes in the Town of Chelmsford.

SUBMITTED BY: **Petition**

ARTICLE 17. To see if the Town will vote to authorize the revolving fund under Massachusetts General law c. 44, sec. 53E ½ for the Board of Health for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Hepatitis B program. The Board of Health shall be authorized to spend money from the fund for the purpose of acquiring supplies and materials necessary for implementing a Hepatitis B program. Expenditures from the Hepatitis B Revolving Fund shall be limited to $7,500 during Fiscal Year 1998; or act in relation thereto.

SUBMITTED BY: **Board of Health & Town Manager**

ARTICLE 18. To see if the Town will vote to establish a special fund as provided in Chapter 59 of the Acts of 1998 for the purpose of celebrating the years 2000 and 2001; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 19. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise, property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Exhibit A: Showing proposed taking for roadway purposes at 56 Concord Road, dated September 1998," a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference; and to raise and appropriate, transfer from available funds, or borrow a sum of money for said acquisition, or to take any other action relative thereto

SUBMITTED BY: **Board of Selectmen**

ARTICLE 20. To see if the Town will vote to release a portion of a drainage easement located in the Town of Chelmsford, said portion totaling 150 square feet, more or less, and further described and shown on a set of plans entitled "Exhibit A: Showing easement area released at 12 Charlemont Court, dated September 1998," a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen & Town Manager**

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easement in Chelmsford, Massachusetts, Westview Avenue Phase IIIC Sewers" dated October 1998, prepared by Richard F. Kaminski & Associates, Inc., a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference, for purposes of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

ARTICLE 22. To see if the Town will vote to amend the Chelmsford Zoning Bylaw by:

A. deleting existing Section 1100, regarding title, authority and purpose from the Zoning Bylaw and substituting therefor a new Article I;

Article I. Purpose.

These regulations are enacted to promote the general welfare of the Town of Chelmsford, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by the provisions of the Zoning Act, G.L. c. 40A, as amended, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

deleting existing Section 1300 regarding Board of Appeals and substituting therefor a new Section 5200;

5200. BOARD OF APPEALS.

5210. Establishment. The Board of Appeals shall consist of five (5) members and three (3) associate members, who shall be appointed by the Town Manager.

5220. Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

5221. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 5300, or as otherwise specified.

5222. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances.

5223. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

5224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

deleting existing Section 1600 regarding amendments to the Bylaw and substituting therefor a new Section 5500;

5500. AMENDMENTS.

This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

deleting existing Section 1800 regarding applicability and substituting therefor a new Section 5600;

5600. APPLICABILITY.

5610. Other Laws. Where the application of this By-Law imposes greater restrictions that those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

5620. Conformance. Construction or operations under a Building Permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

deleting existing Section 1900 regarding validity and substituting therefor a new Section 5700;

5700. SEPARABILITY.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

B. deleting existing Section 2100 regarding establishment of districts and substituting therefor a new Section 2100;

2100. DISTRICTS.

2110. Establishment. For the purposes of this By-Law, the Town of Chelmsford is hereby divided into the following districts:

RA – Residential A District. These are the lowest density single-family residence districts.

RB – Residential B District. These are low-density single-family residence districts.

RC – Residential C District. These are medium-density general residence districts.

RM – Residential Multifamily District. These are high-density residence districts.

CA – Neighborhood Commercial District. These are commercial districts for neighborhood areas.

CB – Roadside Commercial District. These are general commercial districts which are high traffic generators. Included are such uses as automotive repair, open lot sales, wholesale business, retail and offices and so on.

CC – Shopping Center District. These are commercial districts designed to allow the clustering of stores, offices and so on around a central parking area. These are high traffic generators usually located on major roads.

CD – General Commercial District. These are primarily retail, commercial offices, restaurants and entertainment commercial uses excluding repair, open lot sales, wholesale and storage uses. These uses are usually located along existing major traffic thoroughfares.

CX – Adult Entertainment District. This is a commercial district created for adult entertainment establishments and other permitted uses as defined by this by-law.

IA – Limited Industrial District. These are areas that are primarily used for office, research development, manufacturing and warehousing.

IS – Special Industrial District. This district is suited for heavy industrial and storage.

P – Public District. These are lands owned or leased by federal, state or municipal governments for governmental purposes.

OS – Open Space District. These are privately owned lands used for open space.

RMH – Residential Mobile Home District. This is a district for mobile homes.

"Overlay" districts are also hereby created, as follows: CX, Aquifer Protection, Floodplain.

2111. Official zoning map. The districts set forth above are shown on the official zoning map, which, together with all explanatory material thereon, is hereby adopted by reference and declared to be part of this by-law. The official zoning map shall be identified by the signature of the chairman of the Planning Board, and attested by the town clerk bearing the seal of the town. The official zoning map is included as originally dated May, 1963, and as most recently amended.

2120. Rules for interpretation of zoning district boundaries. Where uncertainties exist as to the boundaries of districts as shown on the official zoning maps the following shall apply:

2121. Where the boundary lines as shown upon said map as approximately following the street lines, of public and private ways or railways, the centerlines of such ways shall be the boundary lines.

2122. Where the boundary lines are shown approximately on the location of property lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

2123. Boundary lines located outside of street lines are shown approximately parallel thereto shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street lines are the distance in feet of such boundary lines from such street lines; such distances being measured at right angles to such street lines unless otherwise indicated.

2124. In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of the map.

2125. Where the district boundary line follows a stream, lake or other body of water, said boundary line shall be construed to be at the thread or channel of the stream; or at the limit of the jurisdiction of the Town of Chelmsford, unless otherwise indicated.

2126. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations of any district in which the lot has frontage on a street may be extended by special permit from the Board of Appeals not more than thirty (30) feet into the other district.

2127. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances not covered by the above subsections, the Board of Appeals shall interpret the district boundaries.

deleting existing Section 2510 regarding intensity of use related to buildings and substituting therefor a new Section 2310;

2310. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute (see G.L. c. 40A, s.6).

deleting existing Section 2520 regarding lot change and substituting therefor a new Section 2311;

2311. Lot change. No existing nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, utility

improvements or except where otherwise permitted herein, so as to increase the degree of nonconformity that presently exists.

deleting existing Section 2540 regarding accessory buildings and substituting therefor a new Section 2330;

2330. Accessory buildings. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard area. A detached accessory building may be located in the rear yard areas and on the same lot as a principal building, provided that not more than twenty-five (25) percent of the required yard area shall be so occupied, and further provided that an accessory building shall not be located nearer than ten (10) feet from the principal building and at least ten (10) feet from any side or rear lot line. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.

deleting existing Section 2550 regarding multiple principal buildings on a lot and substituting therefor a new Section 2340;

2340. Multiple Principal Structures. Except in the residential districts, more than one principal nonresidential structure may be erected on a lot, pursuant to a special permit issued by the Planning Board in accordance with Section 5300 herein and the following conditions:

2341. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

2342. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

2343. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

deleting existing Section 2560 regarding conversion of dwelling units and substituting therefor a new Section 2350;

2350. Conversion of dwelling units. Alteration of a single-family dwelling existing at the time of adoption of this by-law (3/14/38), for occupancy by not more than two (2) families, is permitted, in accordance with section 2200 of this by-law, provided that the lot contains not less than fifteen thousand (15,000) square feet; that the exterior design of the structure is not changed from the character of a single-family dwelling; and provided further that at least six hundred (600) square feet of living space shall be provided for each resulting dwelling unit.

deleting existing Section 2700 regarding the floodplain district and substituting therefor a new Section 4300;

4300. FLOODPLAIN DISTRICT.

4310. Purpose. The purposes of this district are:
(a) To provide the lands in the Town of Chelmsford subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupants thereof.
(b) To protect, preserve, and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the Town of Chelmsford.
(c) To assure the continuation of the natural flow of the water course(s) within the Town of Chelmsford in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

4320. Floodplain district and floodway district boundaries. The floodplain district and floodway district is herein established as an overlay district. The underlying permitted uses are allowed provided they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The floodplain district and floodway district includes all special flood hazard areas designated on the National Flood Insurance Program, Flood Insurance Rate Map for the Town of Chelmsford, prepared by the U.S. Dept. of Housing and Urban Development, Community Panel Number 250188 0005B-0015B dated June 4,1980 on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission. These maps as well as the accompanying Chelmsford flood insurance study, dated December, 1979, are incorporated herein by reference.

4330. Base Flood Elevation and Floodway Data.

4331. Floodway Data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the map entitled " Chelmsford Floodplain and Floodway District Map, 1980" prepared by O'Connell and Associates shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. This map is incorporated herein by reference.

4332. Base Flood Elevation Data.
Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4340. Notification of Watercourse Alteration.
Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

a. Adjacent communities

b. Bordering States

c. NFIP State Coordinator
Massachusetts Office of Water Resources
100 Cambridge Street
Boston, MA 02202

d. NFIP Program Specialist
FEMA Region I, Room 462
J. W. McCormack Post Office and Courthouse
Boston, MA 02109

4350. District use regulations.

4351. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non- structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, " Flood Resistant Construction");

b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

c. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);

d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

4352. In the floodplain district no new building shall be erected or constructed and no existing structure shall be altered, enlarged or moved; no dumping, filling, or earth transfer or relocation shall be permitted; nor any land, building, or structure used for any purposes except:

a. Conservation of water, plants, and wildlife.

b. Outdoor recreation, including play areas, nature study, boating, fishing and hunting, where otherwise legally permitted, but excluding buildings and structures.

c. Noncommercial signs (as permitted in the residential districts), wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern of watercourses.

d. Grazing and farming, including truck gardening and harvesting of crops.

e. Forestry and nurseries.

4360. Floodway Regulations. In the floodway, designated on the Chelmsford floodplain and floodway district map, the following provisions shall apply:

4361. All encroachments including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one- hundred-year flood.

4362. Any encroachment meeting the above standard shall comply with the floodplain requirements of the state building code.

4363. If a property owner questions the location of a floodplain or floodway district, the owner may engage at his own cost a registered licensed surveyor with the approval of the town engineer to determine if the land in question is within the floodplain or floodway district. The landowner shall be responsible for the cost for this determination. The Board of Appeals, in consultation with the Town Engineer, shall decide whether or not to accept the surveyor's determination.

4364. No new building or portion thereof located within the Floodplain District shall be allowed to connect to the municipal wastewater system or to a private wastewater system that discharges to the municipal wastewater system.

4365. The portion of any lot within the area delineated in subsection 4320 above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated.

4370. Exemptions. In the floodplain district, the Board of Appeals may grant a special permit for exception for uses or structures in addition to those allowed under section 4350, subject to the following:

a. The applicant has referred the request to the Planning Board, the Town Engineer, the Board of Health, and the Conservation Commission for review and recommendation as provided in Section 11, Chapter 40A, M.G.L.;

b. The land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrologic and/or topographic conditions;

c. The proposed use will not be detrimental to the public health, safety, and welfare; and

d. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located; and,

e. Any loss of floodplain or floodway shall be compensated for at a similar elevation within the same local watershed.

C. deleting existing Section 3100 regarding off street parking and loading and substituting therefor a new Section 3100;

3100. OFF-STREET PARKING AND LOADING.

3110. General Parking Requirements.

3111. Adequate off-street parking must be provided to service all parking demand created by the new structures, additions to existing structures, or changes of use. Existing buildings and uses need not comply unless expanded or otherwise changed to increase their parking needs.

3112. In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below will be met for the new demand without counting existing parking necessary for pre-existing remaining uses.

3113. Common parking areas may be permitted for the purpose of servicing two (2) or more principal uses on the same or separate lots, provided that:

a. Evidence is submitted that parking is available within five hundred (500) feet of the premises, which lot satisfies the requirements of this by-law and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by competent parking survey conducted by a traffic engineer registered in the Commonwealth of Massachusetts.

b. A contract, agreement, or suitable legal instrument acceptable to Chelmsford's town counsel, shall be filed with the application for building permit, occupancy permit, or special permit for exception which shall specify the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking.

c. Any reduction in area required for parking because of these joint use provisions shall be reserved in landscaped open space. Such area shall be computed at the rate of four hundred (400) square feet per parking space.

d. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this by-law if subsequently the joint use of parking facilities shall terminate.

3120. Number of Spaces. For the purpose of computing the parking requirements of different uses, the number of spaces required shall be the largest whole number obtained after increasing all fractions upwards to one. Employees shall include the largest number of owners, managers, full and part-time workers and volunteers that may be normally expected on the premises during any single shift or portion thereof. The number of seats in benches, pews, or other continuous seating arrangements shall be calculated at twenty (20) inches for each seat. The following minimum parking requirements shall apply to uses as listed below:

USE	NUMBER OF SPACES
Stores, retail business, and services	One (1) space per two hundred (200) square feet of net leasable floor area or a minimum of at least three (3) spaces per establishment
Banks, libraries, and post offices	One (1) space per one hundred (100) square feet of floor area devoted to public use, plus one (1) space per employee
Bowling alleys	Four (4) spaces for each alley
Business and professional offices, office buildings, and office of a wholesale establishment including sales space	One (1) space per two hundred (200) square feet of net floor area
Medical and dental offices and clinics	One (1) space per two hundred (200) square feet of net floor area
Restaurants, lounges, and function rooms	One (1) space per employee on the largest shift and one space per two and one-half (2.5) seats based on the maximum rated legal seating capacity of the facility
Fast food establishment	One (1) space per fifty (50) square feet of net floor area
Adult entertainment establishment	One (1) space per employee on the largest shift and one (1) parking space for each 1.25 persons allowed for said establishment's seating capacity
Theater, funeral home, and places of assembly	One (1) space for each four (4) seats or for each fifty (50) square feet of assembly area, whichever is greater
Hotels, motels, and tourist homes	One (1) space per guest room, plus one (1) space per employee, plus a number of spaces

	as required elsewhere herein for restaurants, assembly halls, function rooms, shops and similar functions if occurring on the premises
Non-family accommodation	One (1) space per two (2) persons accommodated
Nursing and convalescent homes	One (1) space for each three (3) beds, plus one (1) space for each employee serving on the shift having the greatest number of employees, plus one (1) space for each visiting staff
Clubs, lodges and association buildings	One (1) space per three (3) memberships
Lumber and building material yards, nurseries, and outdoor sales	One (1) space per two hundred (200) square feet of net floor area and one (1) space per one thousand (1,000) square feet of outdoor or bulk sales area
Manufacturing, truck terminals, wholesale establishments, public utility buildings other than their business office, warehouses and similar uses not normally visited by the general public	One (1) space per two hundred (200) feet of net floor area. Provided, however, that the Inspector of Buildings may waive the actual construction of said space to no less than one (1) space per one and four-tenths (1.4) employees, plus one (1) space for each vehicle used in the operation upon issuance of a building permit or occupancy permit
Facilitated Living Facility	One space for each employee on the shift having the greatest number of employees, plus one (1) space for each visiting staff person. When on site parking for the facility's residents is permitted, the parking requirement is eight tenths (8/10) space per room. When on site parking for the facility's residents is not permitted, the parking requirement is one (1) space for each three (3) beds. The site must support the potential for meeting the parking requirement for "Business and professional offices" in the event of a building conversion, and shall be shown on the site plan as potential future parking.
Single-family and two-family dwelling	Two (2) spaces per dwelling unit for units with two (2) or more bedrooms
Multi-family dwelling	One (1) space per dwelling unit for one bedroom; two (2) spaces per dwelling unit for

	units with two (2) or more; plus one space per every three units or fraction thereof.
Home occupations	In addition to the spaces required for the dwelling, one (1) space for the nonresident employee.
Any other nonresidential use, or any use involving a combination of functions similar to or listed herein	A number of spaces as determined by the Inspector of Buildings by application of the ratios above

3121. The requirements of Section 3120 may be reduced on special permit by the Planning Board if a property owner can demonstrate to the satisfaction of the board that the required number of spaces will not be needed for the proposed use, and that fewer spaces meet all parking needs. Such cases might include:

a. Use of a common parking lot for separate uses having peak demands occurring at different times;

b. Age or other characteristics of occupants which reduce their auto usage;

c. Peculiarities of the use that make usual measures of demand invalid.

d. The area necessary for the reduced spaces is available on the lot.

3122. Waived Parking Build-out. If anytime after the property is in use, the Planning Board or the Inspector of Buildings determines that a need exists for the additional spaces that were waived under Section 3121, the Planning Board may require that these spaces be constructed.

3130. Size of Parking Spaces. Parking spaces shall be no less than eight and five-tenths (8.5) feet in width and nineteen (19) feet in length.

3140. Off-Street Loading. All buildings, requiring the delivery of goods, supplies, or materials, or shipments of the same shall have bays and suitable maneuvering space for off-street loading of vehicles in accordance with the following:

3141. Retail stores and services. For each establishment with a net floor area from five thousand (5,000) to eight thousand (8,000) square feet, at least one (1) berth. Additional space is required at the rate of one (1) berth per eight thousand (8,000) square feet or nearest multiple thereof. Where two (2) or more such establishments are connected by a common wall such as in a shopping center, common berths may be permitted for the use of all establishments at the rate of one (1) berth space per eight thousand (8,000) square feet in the entire shopping center.

3142. Office buildings. For each office building with net area of four thousand (4,000) square feet or more, at least one (1) berth shall be provided.

3143. Manufacturing industrial warehousing. For manufacturing, industrial warehousing and similar uses up to eight thousand (8,000) square feet of net floor area, at least one (1) berth shall be provided. For larger floor areas, additional berths shall be provided as required by the Inspector of Buildings adequate for off-street loading and unloading.

3144. Loading areas shall provide screening in accordance with Section 3500.

3145. Loading bays shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space. Required off-street loading bays and maneuvering spaces shall be located entirely on the same lot as the building being served.

3150. Parking and Loading Area Design and Location.

3151. No off-street parking area shall be located within ten (10) feet of a property line, within twenty (20) feet of a street right-of-way, or in any required yard adjacent to a residential or institutional use.

3152. Sidewalks are required within the site where necessary for safe pedestrian access and circulation. There shall be a marked pedestrian aisle at each entrance to the building served by the parking lot.

3153. Parking spaces more than five hundred (500) feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless the Planning Board determines that circumstances justify this greater separation of parking from use.

3154. All required parking areas except those serving single-family residences shall be paved, unless exempted on special permit from the Planning Board for cases such as seasonal or periodic use where unpaved surfaces will not cause dust, erosion, hazard, or unsightly conditions.

3155. Parking areas for five (5) or more cars shall not require vehicles to back onto a public way.

3156. Parking areas for ten (10) or more cars shall provide screening in accordance with Section 3500.

3157. No dead end aisle shall exceed five (5) parking spaces in width.

3158. Continuous curbing shall be provided to control access, drainage and damage.

3159. Curb stops, planting strips or other means shall be provided to maintain a minimum usable sidewalk width of four feet or the minimum width required by the Americans with Disabilities Act.

3160. Parking Areas with Twenty or More Spaces. The following shall apply to entrances or exits to all parking areas with twenty (20) or more spaces:

3161. Entrance or exit center lines shall not fall within fifty (50) feet of an intersection of street sidelines or within one hundred fifty (150) feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving twenty (20) or more spaces. Uses shall arrange for shared egress if necessary to meet these requirements.

3162. Egressing vehicles shall have four hundred (400) feet visibility in each travel direction.

3163. Street entrances shall be designed consistent with Massachusetts DPW Traffic Regulations, section 10A-9 or subsequent revisions.

3164. An appropriate area for snow storage after plowing shall be provided on the premises.

3170. Parking Garages. An application for a special permit for a parking garage shall require the submission of a site plan in conformance with Section 5400. No parking garage shall exceed three (3) stories in height (thirty-five (35) feet), and when taken in consideration with the principal structure, shall not exceed the lot coverage for the applicable zoning district.

deleting existing section 3300 regarding signs and outdoor lighting and substituting therefor a new Section 3300;

3300. SIGNS AND OUTDOOR LIGHTING

The following sign regulations are intended to serve these objectives: (a) to facilitate efficient communication to ensure that people receive the messages they need or want; (b) to promote good relationships between signs and the visual qualities of their environs and the buildings to which they relate; (c) to maintain visual diversity within commercial areas by avoiding requirement of uniformity; and (d) to support business vitality within nonresidential zones by accomplishing the above objectives without burdensome procedures and restrictions.

3310. General Regulations.

3311. Permits. No sign shall be erected, enlarged or structurally altered without a sign permit issued by the Building Inspector, with the exception of unlighted signs one (1) square foot or smaller and temporary construction signs less than twelve (12) square feet

in area. Temporary unlighted real estate signs require no sign permit if erecting agent has obtained a one-year permit from the Building Inspector for erecting such signs.

3312. Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector and in accordance with sections 1404.0 and 1405.0 of the State Building Code.

3313. Nonconforming Signs. Any sign legally erected may be continued and maintained despite being made nonconforming through change in the zoning by-law, except that no off-premises signs may be maintained after June 1, 1980. Any sign rendered nonconforming through erection of additional signs on the premises or through change or termination of activities on the premises shall be removed within thirty (30) days of order of the Building Inspector. No existing sign shall be enlarged, reworded (unless equipped with movable letters), redesigned, or altered in any way except in conformity with the provisions contained herein. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of the destruction shall not be repaired, rebuilt, restored, or altered unless in conformity with this by-law.

3314. Identification. All signs approved by the Building Inspector will have an identifying number affixed to the face of the sign in the lower right hand corner, said number to be at least one (1) inch in height.

3320. Prohibitions.

3321. No moving, animated, revolving, moving light, or flashing sign or sign elements shall be permitted, except for traditional illuminated barbershop poles with revolving pillars. Only registered and licensed barbershops are allowed to display a barber pole and the barber pole shall not exceed eighteen (18) inches in height. No pennants, streamers, advertising flags, spinners, or similar devices shall be permitted.

3322. No sign shall be located within twenty-five (25) feet of the intersection of sidelines of intersecting streets unless entirely less than three and one-half (3 1/2) feet or more than eight (8) feet above grade.

3323. No part of any sign shall be more than twenty (20) feet in height above ground level or exceed the height of the building to which it relates unless granted a special permit for an exception by the Board of Appeals.

3324. No part of any sign shall overhang a public way by more than twelve (12) inches, except that on special permit from the Board of Appeals such overhang may be increased up to four (4) feet.

3325. No billboard or other sign shall be erected or maintained unless its subject matter relates exclusively to the premises on which it is located, or to products, accommodations, services, or activities on those premises.

3330. Signs Permitted in Residential District. The following signs are permitted in residential districts RA, RB, RC, and RM.

3331. One (1) sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no such sign shall exceed one (1) square foot in area.

3332. One (1) sign not over nine (9) square feet in area pertaining to a permitted use or building other than dwellings or their accessory uses.

3333. One (1) temporary sign not over six (6) square feet in area pertaining to the sale, rent, or lease of the premises provided that it shall be removed within seven (7) days after sale, rent, or lease thereof. Such signs may be illuminated only if granted a special permit by the Board of Appeals upon its determination that such illumination serves public safety and convenience without damage to neighborhood character. These signs require no sign permit if erecting agent has obtained a one-year permit from the Building Inspector for erecting such signs.

3334. Unlighted directional signs not exceeding one (1) square foot in area each and pertaining to permitted building, uses of the premises other than dwellings and their accessory uses, or prohibiting use of the premises or certain portions of it.

3335. One (1) temporary unlighted sign not larger than twenty-five (25) square feet in an area indicating the name and address of the parties involved in construction on the premises. Requires no permit if not more than twelve (12) square feet in area and is removed within thirty (30) days of erection.

3340. Signs Permitted in Business Districts. The following signs are permitted in business districts CA, CB, CC, and CD.

3341. Attached signs. One sign may be attached to any one wall of a building, not to exceed an area equivalent to fifteen (15) percent of the front wall area of said building, or sixty (60) square feet, whichever is greater.

a. Allowable sign area may be divided between two (2) signs, each sign to be attached to a different wall of the building, and the total allowable sign area shall not exceed an area equivalent to twenty (20) percent of the front wall area of said building or eighty (80) square feet, whichever is smaller.

b. In the case of buildings with multiple occupants, each occupant is allowed one (1) sign, with the above total allowable sign area divided among them in proportion to their share of total floor area.

c. No attached sign shall extend above the wall to which it is attached. No sign shall be attached to a roof, real or simulated.

d. A building located at an intersection fronting on two (2) public ways may divide the allowable sign area between two (2) signs, each sign to be attached to a different wall of the building, and the total allowable sign area shall not exceed an area equivalent to twenty (20) percent of the front wall area of said building, or eighty (80) square feet, whichever is smaller.

3342. Freestanding signs.

a. One freestanding sign located within the front yard area of the lot and not exceeding five (5) percent of the front wall of the building, or forty (40) square feet, whichever is smaller, provided that the building has a minimum setback of thirty (30) feet and the sign is so located as to be set back fifteen (15) feet from the street line and twenty (20) feet from any side lot line. On special permit from the Board of Appeals the allowable sign area may be increased to sixty (60) square feet.

b. Directory signs. A freestanding "directory" sign, a sign representing multi-tenants, must have uniformity of size and color and the overall sign must meet the criteria for freestanding signs.

3343. Directional signs. No more than two (2) directional signs per driveway. Said signs shall contain no advertising and shall not exceed an area of five (5) square feet each.

3344. Window signs. One (1) unlighted window sign for each window of the building not to exceed in area twenty (20) percent of the area of any window upon which located.

3345. Lighted Window Signs. One lighted window sign, including all types of internally illuminated signs, whether or not neon, conforming to the following standards:

a. Such signs shall not exceed five (5) square feet in area or cover more than 20% of the window in which it is situated, whichever is less, and shall only be allowed in ground floor windows;

b. Such signs shall be equipped with a timer which shall permit illumination no longer than thirty minutes before opening or after closing of the business;

c. Such signs shall not flash or blink or use lights changing in intensity;

d. Such signs shall not contain more than three different colors;

e. Such signs illuminated by a neon source shall be composed of primarily single strand glass tubing with a maximum outside diameter of one inch;

f. Such signs within three feet of a window shall be considered to be a window sign for purposes of these standards.

3350. Signs Permitted in Industrial Districts. Any sign permitted in a business district is permitted in an industrial district (IA or IS) excepting window signs. However, a freestanding sign oriented parallel to the street line and not more than thirty (30) square feet in area need to be set back only five (5) feet from the street line.

3360. Illumination.

3361. Overspill. Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged that their collective result does not create so much light overspill onto adjacent premises that it casts observable shadows, and so that it does not create glare from unshielded light sources.

3362. Unless all the following are met, it will be presumed that the above performance requirements are not satisfied. The Board of Appeals may grant a special permit for lighting which does not comply with these specifications if it determines that the performance standards of the first paragraph will still be met, and if the applicant documents that brightness of any sign or building element will not exceed twenty (20) foot lamberts in residential districts or fifty (50) foot lamberts in other districts.

a. Internally illuminated signs on the premises collectively total not more than two hundred (200) watts unless not exceeding fifteen thousand (15,000) lumens.

b. Externally illuminated signs employ only shielded lights fixed within three (3) feet of the surface they illuminate.

c. Building floodlighting totals not more than two thousand (2,000) watts unless not exceeding fifty thousand (50,000) lumens.

d. Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

3363. Hours. No sign or building in any residential district or within three hundred (300) feet of any residential district if within sight from it shall be illuminated between the hours of 11 p.m. and 7 a.m. unless indicating an establishment open to the public during those hours.

3364. Movement. No flashing, moving, or revolving lights shall be maintained.

3370. Temporary Signs. Temporary signs (including those mounted on wheels, trailers, or motor vehicles if those vehicles, trailers, or wheeled signs are regularly located for fixed display) are prohibited unless complying with all requirements of this by-law as applicable to permanent signs, or as may be allowed herein.

3371. Political Signs. Temporary, freestanding political signs, not exceeding in aggregate twenty-four (24) square feet in area, which is designed to influence the action of voters for the passage or defeat of a referendum question or other measure appearing on the ballot of an election duly called in the Town of Chelmsford or designed to influence the action of voters for election of a candidate whose name appears on the ballot of an election duly called in the Town of Chelmsford are allowed in all districts. Such signs may be erected no sooner than twenty-one (21) days prior to the date of election and must be removed not later than fourteen (14) days after such election. Signs permitted by this by-law: (a) shall not be higher than three feet above ground level; (b) shall not be artificially illuminated; (c) shall be freestanding and not attached to a building, tree, utility pole, or fence; (d) shall be set back at least 15 feet from the street line; and (e) shall only be located within the front or side yard area of the property. These signs require no sign permit.

3372. Construction signs. Temporary, freestanding signs may be erected on the premises to identify any building under construction, its owner, architect, builder or other associated with it, provided that such sign shall not exceed sixty (60) square feet in area and shall not be erected to interfere with sight lines along the public way. Such sign shall be removed within seven (7) days of the issuance of an occupancy permit. These signs require no sign permit if not more than twelve (12) square feet in area and are removed within thirty (30) days of erection.

3373. Real estate signs. Temporary freestanding sign or signs attached to the front wall of the building and pertaining to the sale, rental, or lease of the premises are allowed in all districts. Such sign shall be removed within seven (7) days of the sale, rental, or lease of said premises. These signs require no sign permit if erecting agent has obtained a one-year permit from the Building Inspector for erecting such signs. Signs advertising an "open house" shall be situated only on the property which is for sale, and/or at nearby intersections to guide potential buyers to that location, only during the hours of the open house.

3374. Yard sale signs. A sign advertising a yard sale shall not exceed two square feet in area, shall not be erected more than seventy-two hours before the sale, and shall be removed immediately thereafter. No permit is required for a yard sale sign.

380. Guidelines. These guidelines are not mandatory, but degree of compliance with them hall be considered by the Board of Appeals in acting upon special permits authorized under this ection, as shall consistency with the basic sign objectives and any specific criteria cited above.

3381. Designs.

a. Any increase above the basic maxima for the size and number of signs should be justifiable because of multiple frontages, development scale, or other special needs, and should be appropriate in relation to street width, signage on nearby structures, and speed of vehicular travel.

b. Sign content normally should not occupy more than forty (40) percent of the sign background, whether a signboard or a building element.

c. Signs should be simple, neat, and avoid distracting elements, so that contents can be quickly and easily read.

d. Signs should be sized and located so as to not interrupt, obscure, or hide the continuity of columns, cornices, roof eaves, sill lines, or other elements of building structure, and where possible, should reflect and emphasize building structural form.

e. Sign materials, form, colors, and lettering shall be reflective of the character of the building to which the sign relates.

f. Clutter should be avoided by not using support brackets extending above the sign or guy wires and turnbuckles.

3382. Content.

a. Signs should not display brand-names, symbols, or slogans of nationally distributed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacturing, sale, or other processing of that specific product.

b. Premises chiefly identified by a product brand-name (such as a gasoline or auto brand) should devote some part of their permitted sign area to also displaying the identity of the local outlet.

c. Signs should not contain selling slogans, product descriptions, help wanted notices, or other advertising that is not an integral part of the name or other identification of the location or the enterprise.

3390. Sign advisory committee. A sign advisory committee of five (5) members shall be appointed by the Board of Selectmen for three-year terms (except so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Chelmsford, and two (2) others, preferably with a strong interest in architecture, landscape architecture or visual design. In addition a member of the Board of Appeals shall be designated by the board as a nonvoting sixth member of the sign advisory committee.

3390A. Procedure. All appeals to the Board of Appeals involving signs, applications for sign permits, and all applications for special permits authorized hereunder shall be referred to the sign advisory committee for its review and comment. No such appeal or application shall be acted upon prior to receipt of a report thereon from the sign advisory committee unless no report is received within twenty-one (21) days from the date of referral of a sign permit application or thirty-five (35) days from the date of referral of an appeal or special permit application. Any

departure from the recommendations of the sign advisory board in the decision shall be explained in a written report from the authorizing agent to the Sign Advisory Committee, Board of Selectmen, and Planning Board.

deleting existing Section 3410 regarding grading and substituting therefor a new Section 3430;

D. deleting existing Section 4110 regarding home occupations and substituting therefor a new Section 2250;

2250. Home Occupations.

2251. Home Occupations As of Right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:

a. The occupation or profession shall be carried on wholly within the principal building, or within a building or other structure accessory thereto which has been in existence at least five (5) years, without extension thereof.

b. Not more than twenty-five (25) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation.

c. No person not a member of the household shall be employed in the home occupation.

d. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

e. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

f. No use or storage hazardous materials in quantities greater than associated with normal household use shall be permitted.

g. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2252. Home Occupations by Special Permit. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by

the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

a. All of the requirements of Section 2251.a, 2251.b, and 2251.g.

b. Not more than one (1) person not a member of the household shall be employed in the home occupation.

c. An unlighted sign of not more than three (3) square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.

d. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard, and shall not occupy more than 20% of lot area.

e. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

deleting existing Section 4110A regarding family day care homes and substituting therefor a new Section 2243;

2243.Family Day Care Homes. Family day care home providers shall be registered with and have obtained all applicable licenses from the Commonwealth of Massachusetts Office of Children and shall be in full compliance with all applicable Rules and Regulations promulgated by the Office of Children as set forth in accordance with G.L. c. 28A, particularly sections 9 through 13 thereof, and in accordance with section 13 of Chapter 785 of the Acts of 1972. Providers shall also comply with the provisions of the Life Safety Code adopted by the National Fire Protection Association, section 10-9, Family Child Day Care Homes, and any amendments or revisions thereto or act in relation thereto.

deleting existing Section 4120 regarding swimming pools in its entirety;

deleting existing Section 4130 regarding barn, yard and garage sales and flea markets and substituting therefor a new Section 2244;

2244.Barn sale, yard sale, garage sale, or flea market. The temporary use of residential, institutional, or industrial premises for sale of personal property is permitted provided that a temporary occupancy permit is obtained. Such permits shall be issued by the Inspector of Buildings for up to two (2) consecutive days only, not more than twice each calendar year

for any given premises. For each such sale a separate permit shall be required. No merchandise dangerous to life or limb shall be shown or sold and all persons conducting such sales shall take all necessary steps for the protection of persons while on their premises.

deleting existing Section 4140 regarding scientific uses and substituting therefor a new Section 2241;

2241. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

deleting existing Section 4150 regarding roadside stands and substituting therefor a new Section 2331;

2331. Roadside stands. Roadside stands shall be located at least fifteen (15) feet back from any street right-of-way and twenty (20) feet from any lot line. Portable stands shall be removed during seasons when not in use.

deleting existing Section 4160 regarding animals accessory to dwellings and substituting therefor a new Section 2245;

2245. Animals accessory to dwellings. Cattle, horses, sheep, hogs, goats, game birds or similar livestock shall be maintained accessory to a dwelling only on a lot having an area of not less than forty thousand (40,000) square feet plus fifteen thousand (15,000) square feet per large animal (twenty-five (25) pounds or heavier at maturity) in excess of one (1) or per ten (10) smaller animals in excess of the first ten (10). Such animals and their wastes shall be contained at least fifty (50) feet from any abutting lot line of a residentially used lot, and at least fifty (50) feet from any year-round surface water body.

deleting existing Section 4170 regarding unregistered motor vehicles in its entirety;

deleting existing Section 4180 regarding willow trees in its entirety;

deleting existing Section 4190 regarding height of accessory uses and structures and substituting therefor a new Section 2360;

2360. Height Restrictions on Certain Accessory Structures. Tall structures and roof-mounted or attached structures shall comply with the following requirements, conditions and guidelines. For purposes of this section a "tall structure" shall mean any freestanding man-made device (lattice, mast, pole, windmill, wind turbine, spire, tower, antenna, or the like) which exceeds thirty-five (35) feet in height and which is not subject to section 4100 - Wireless Communications Facilities.

2361. Each tall structure shall be placed in a circle with a radius equal to its height as measured from the base of said structure. This circle must be contained entirely within the property on which the tall structure is located. More than one tall structure may be erected on a lot provided that total area of the circles required above does not exceed the area of the lot.

2362. No tall structure shall be located within a required front or side yard area.

2363. Roof-mounted or attached structures, including masts, poles, towers, antennae, etc., may not exceed twenty (20) feet above the uppermost part of the structure to which attached. Such structures shall not be located nearer to the lot line than the total height of the mounted or attached structure.

deleting existing Section 4200 regarding earth removal and landfill and substituting therefor a new Section 3600;

3600. EARTH REMOVAL

3610. General. No removal of sod, loam, humus, clay, sand or gravel shall be permitted except in accordance with the conditions and procedures contained herein.

3620. Exceptions. The provisions of this section shall not apply to the following types of uses. Any fill material imported to the site pursuant to any exception shall be inorganic material and any earthwork, final grades, planting and landscaping shall be constructed with due regard for the protection of persons and property adjacent to the site; at no time will a slope exceed 3:1. Any site within one hundred (100) feet of a wetland shall be subject to the jurisdiction of the Conservation Commission.

3621. Removal or filling incidental to the construction of a building, for which the site of removal or filling is not more than six (6) months old, or for grading, or otherwise improving the premises around the building.

3622. Removal on a lot located in a residential district containing an existing residential dwelling provided a plan of the proposed work has been submitted to the Inspector of Buildings and a residential earth removal permit has been issued by him upon determination of compliance of said plans with the requirements of this by-law.

3623. Removal on any town-operated or town-maintained landfill.

3630. Procedures. The Board of Appeals may authorize earth removal upon the issuance of a special permit.

3631. Each application for a special permit shall be accompanied by a plan of land, at least six (6) eight-inch by ten-inch photographs of the area, and a statement describing any fill material to be used and where such fill would be obtained. The plan of land shall indicate the existing grade, proposed area of fill, proposed area of cut, area to be left as natural ground, grades below which no removal is to take place, proposed final landscaping, and permanent benchmarks.

3632. All required plans shall be prepared by a registered civil engineer and surveyor, except that the Board of Appeals may waive this requirement, upon written request, where it is evident that the plan is sufficiently accurate for the scope of operations proposed and where such operations will be minor.

3633. Five (5) copies of the initial plan of land shall be prepared and at the time of application to the Board of Appeals, such copies shall be distributed to the Inspector of Buildings, Town Engineer, Planning Board, and Conservation Commission.

3634. The Inspector of Buildings, Town Engineer, Planning Board, and Conservation Commission may report with recommendations to the Board of Appeals either at or prior to the hearing on the application.

3635. A final plan of land shall be prepared showing the final grades, cross sections, location of culverts and other site improvements, and cover vegetation, trees, and landscaping.

3636. Three (3) copies of the final plan shall be prepared, one of which shall be distributed to the Inspector of Buildings, and one to the town engineer who shall review the final plan and inspect the completed site for conformity with this by-law and any terms and conditions imposed by the Board of Appeals.

3637. A performance bond in an amount determined by the Board of Appeals shall be posted in the name of the town assuring satisfactory compliance with this by-law and any conditions imposed by the Board of Appeals in the interests of safe-guarding the area and the town against injury, assuring proper future use of the land after operations are completed, or to control the transportation of such material through the town. Upon failure to comply and forfeiture of the bond, monies therefrom shall be utilized by the town for the purpose of fulfilling these requirements. No bond shall be released until sufficient time has elapsed to ascertain that any filled area has stabilized, that vegetation planted has successfully been established, and that drainage is satisfactory.

3640. Special Permits. Before granting a special permit for removal, the Board of Appeals shall give due consideration to the location of the proposed operation, to the general character of the neighborhood surrounding such location, to the existing topography and natural landscape,

drainage patterns, ground cover and vegetation, and to the general safety of the public on the public ways and in the vicinity of the removal or landfill operations.

3641. The Board of Appeals may set additional conditions governing the conduct of operations, hours when trucking is permitted, trees, screening, and landscaping which shall be in writing and a part of the permit issued.

3642. No permit shall be issued for more than one (1) year, and may be renewed only upon application and following a public hearing. Prior to renewal, inspection of the premises shall be made by the Inspector of Buildings.

3643. The Board of Appeals, after hearing and proof of violation of the terms of the permit or of this by-law shall withdraw the permit, after which the operation shall be discontinued, and the area restored in accordance with this by-law.

3650. Conditions. Removal operations shall comply with the following standards

3651. Removal shall not take place below a level that would reasonably be considered a desirable grade for the later development of the area, or below the grades specified on the plan accompanying the permit, provided such plan has been approved or modified in accord with the directive of the Board of Appeals.

3652. During removal operations, no slope shall exceed one (1) foot rise to one and one-half (1 ½) feet horizontal distance or the natural angle of repose of the material in a dry state, whichever is lower, except in ledge rock.

3653. Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto adjoining properties.

3654. Soil shall not be disturbed within one hundred (100) feet of the boundaries of the premises, excepting at the conclusion of operations, if required in order to improve the overall grading.

3660. Restoration. Within ten (10) days after the expiration or withdrawal of a permit or upon voluntary cessation of operations, or upon completion of removal in a substantial area, that entire area shall be restored as follows:

3661. All land shall be graded so that the elevation of any disturbed areas shall be one (1) foot or more above the grade level of any adjacent street or way and so that no slope exceeds a rise of one (1) foot vertical for each three (3) feet of horizontal distance, and shall be graded as to safely provide for drainage without erosion.

3662. All boulders larger than one-half (1/2) cubic yard shall be removed or buried.

3663. The entire area of disturbed ground shall be covered with not less than four (4) inches of loam, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover, depending upon conditions.

3664. Retaining walls. Where it is necessary to erect retaining walls to guard against erosion, such retaining walls shall be no more than eighteen (18) inches above the grade of all adjacent streets or ways with the filled land at least eight (8) inches below the top of the retaining wall.

deleting existing Section 4300 regarding fairs, carnivals and similar events and substituting therefor a new Section 3200;

3200. FAIRS, CARNIVALS AND SIMILAR EVENTS

3210. General. Special permits for carnivals, fairs, exhibits, or similar outdoor events may be granted consistent with the following:

3211. Sponsorship. The sponsor shall be a religious, charitable, social or public organization.

3212. Duration. The event shall continue no longer than one (1) week at any one (1) time, and not more than two (2) such events shall be authorized within any twelve (12) months for any one (1) sponsor.

3220. Other Requirements. All requirements of this by-law, except paving for parking areas but including Section 3400, Environmental Standards, and Section 3360, Illumination, shall be observed.

deleting existing Section 4400 regarding multifamily dwellings and substituting therefor a new Section 3800;

3800. MULTIFAMILY DWELLINGS

3810. Objectives. Multifamily dwellings may be allowed by special permit in RM Districts in Chelmsford to provide greater variety and choice in housing types, to broaden availability of housing for persons and families of limited income, to focus development at locations able to support it with relatively small environmental or municipal cost, and to protect the town's natural environment, existing character and development, and ability to provide public services.

3820. District Creation. RM districts may be created by town meeting vote, but only if the proposed district meets the following criteria:

a. At least five (5) acres of land;

b. Two hundred fifty (250) linear feet of frontage upon one (1) or more of the following: a state-numbered highway; a street having a right-of-way width of sixty (60) feet or more; or, a street determined by the Planning Board to have current annual average daily traffic equal to one thousand (1,000) vehicles per day or more.

3821. Except as part of a comprehensive reconsideration of the zoning map, the Planning Board shall neither sponsor nor favorably recommend any proposal to create an RM district unless it has presented to it at a public hearing the information required in section 3840.

3830. Applicability. Multifamily dwellings may be allowed by special permit in the RM District by the Planning Board.

3840. Submittals. The following information shall be submitted as part of the application for a special permit.

3841. A schematic site plan of the property, showing general shape and location of structures, parking, retained vegetation, wetlands, and points of egress onto public ways.

3842. Materials indicating proposals for methods of water supply and sewage disposal; number of dwelling units, distinguishing single-family, multifamily; a development schedule for dwellings and improvements; proposed form of tenure, whether rental, condominium, cooperative, or other; means, if any, of providing for design control; and means, if any, of providing assurance of long-term conformity to present proposals.

3843. A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year, and the timing of construction of any proposed community facilities.

3844. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed, and using analysis materials provided by the Planning Board.

a. Natural environment: Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees), and wildlife habitats.

b. Public services: Traffic safety and congestion, need for water system improvements, need for public sewerage, need for additional public recreation facilities, need for additional school facilities.

c. Economics: Municipal costs and revenues, local business activity, local jobs.

d. Social environment: Rate of town population growth, range of available housing choice.

e. Visual environment: Visibility of buildings and parking, visual consistency with existing development in the area.

3850. Procedures. The applicant shall transmit one (1) copy of the materials required herein to each of the following for their review and recommendation, to be made not later than the public hearing: the Conservation Commission, Board of Selectmen, and Fire Department. A special permit shall be approved by the Planning Board only after consideration of the criteria set forth in Section 5300, and the following additional factors:

3851. Departure from the scale of single-family development is minimized through including not more than twenty-four (24) dwelling units in a single structure, serving not more than six (6) dwelling units from a single entrance, limiting building length to not more than two hundred (200) feet, having unbroken roof area of not more than three thousand (3,000) square feet, and having parking areas individually contain not more than thirty-six (36) parking spaces and be separated from all other parking areas by at least fifty (50) feet.

3852. Visual separation from nearby premises is assured through providing yards of at least one and five-tenths (1.5) times building height measured from each lot line which shall contain no parking areas, and through use of outdoor lighting fixtures not higher than fifteen (15) feet.

3860. Density Bonus. For every one (1) unit in ten (10) set aside for low- and moderate-income persons and families in a multifamily housing project, the applicant may apply and the Planning Board may grant a bonus of one (1) additional unit. To apply the applicant shall demonstrate to the Planning Board that:

3861. The rent required for the unit set aside shall meet the affordable rents established by the department of housing and urban development for the Chelmsford area; and

3862. The unit set aside shall be made available to low- and moderate-income persons and families for a period of no less than ten (10) years; and

3863. The low- and moderate-income level shall be as defined by the department of housing and urban development for the Chelmsford area.

3864. The applicant shall work with the housing authority to rent units to eligible persons and families.

deleting existing Section 4500 regarding major business complexes and substituting therefor a new Section 3700;

3700. MAJOR BUSINESS COMPLEXES.

3710. Objectives. The objectives for allowing major business complexes are to increase the diversity and convenience of goods and services available in Chelmsford, to provide entrepreneurial and employment opportunities for area residents, to focus development at locations able to support it with relatively small environmental or municipal cost, and to protect the town's natural environment, existing character and development, and ability to provide public services.

3720. Applicability. Any existing or proposed premises having more than twenty thousand (20,000) square feet gross floor area devoted to any use included in the Use Regulation Schedule in Section 2230 under "Commercial" and "Industrial" uses shall be considered a major business complex. Any construction, alteration, relocation or change of use resulting in such complex shall be permitted only upon the granting of a special permit by the Planning Board. For the purposes of this subsection, "change of use" shall mean a change in principal use which results in or is accompanied by an increase in the gross floor area of the principal structure of 10% or the addition of at least ten new parking spaces.

3730. Submittals. Two (2) copies of the following shall be filed with the Planning Board application for a special permit for a major business complex or for rezoning to accommodate such a complex. Additional copies shall be filed with the town clerk and the Inspector of Buildings. The Inspector of Buildings shall review the application for major business complex and shall submit a report with recommendations not later than the time of the public meeting. The Planning Board shall neither sponsor nor favorably recommend any rezoning of three (3) or more acres to a commercial or industrial district unless such materials have been submitted to it at a public hearing.

3731. A site plan, as specified at Section 5400.

3732. Narrative analyses of the consequences of the proposed development, including evaluation of the following concerns at a level of detail appropriate to the scale of development proposed, as determined by the Planning Board:

a. Natural environment: Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habitats.

b. Public services: Traffic safety and congestion, need for water system improvements, need for public sewerage.

c. Economics: Anticipated market area, augmentation or duplication of existing services, amount and types of employment, labor force area.

d. Visual environment: Visibility of buildings and parking, visual consistency with existing development in the area.

3740. Decision Criteria. In addition to the criteria set forth in Section 5330, a special permit may be granted by the Planning Board only after consideration of the following factors:

3741. If the required traffic study shows that there will be an increase in traffic above the present level of service at any point within one (1) mile of the premises, satisfactory evidence shall be presented to demonstrate that the complex will not be injurious to public safety.

3742. Satisfactory evidence shall be presented to demonstrate that the complex will result in no net increase of runoff above current flows, and the design capacity of receiving structures or the channel capacity of receiving streams shall not be exceeded.

3750. Lapse. Special permits granted pursuant to this section shall lapse within two (2) years following the filing of the special permit (including such time required to pursue and await the determination of an appeal referred to in G.L. c. 40A, s. 17 from the grant thereof) with the Town Clerk, if a substantial use thereof has not sooner commenced except for good cause or in the case of permit for construction, if construction has not begun by such date except for good cause.

deleting existing Section 4600 regarding adult entertainment establishments and substituting therefor a new Section 4400;

4400. ADULT ENTERTAINMENT ESTABLISHMENTS

4410. Purpose. It is the intent and purpose of this by-law to regulate adult entertainment establishments to promote the health, safety and general welfare of the citizens of Chelmsford and to guard against adverse secondary effects on the youth of the Town. Furthermore it is the intent and purpose to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult entertainment establishments within the town, thereby reducing the adverse secondary effects from such adult entertainment establishments. The provisions of this by-law have neither the purpose nor effect of imposing limitations or restriction on the content of any communicative materials. Similarly, it is not the intent nor effect of this by-law to condone or legitimize the distribution of obscene material.

4420. Adult Entertainment Overlay District Boundaries. The Adult Entertainment Overlay District is established in addition to the Adult Entertainment (CX) District. The Adult Entertainment Overlay District Use Regulations shall be as herein described in the Adult Entertainment District.

4430. Spacing Requirement. Special Permits shall not be granted for an adult entertainment establishment if it is to be located less than one thousand (1000) feet from the following uses. Measurement of distances shall be from the lot line of any of the uses described herein:

4431. Another adult entertainment establishment;

4432. Residential uses;

4433. Public or private nursery schools;

4434. Public or private daycare centers;

4435. Public or private kindergartens;

4436. Public or private elementary schools;

4437. Public or private secondary schools;

4438. Playgrounds or parks;

4439. Religious institutions.

4440. Reduction of Spacing Requirement. The Board of Appeals may waive the one-thousand foot restriction contained in Section 4430 by special permit; provided, however, that the Board of Appeals shall not, under any circumstances, grant a special permit for an Adult Entertainment Establishment which shall be closer that seven-hundred-fifty (750) feet to any of the uses listed in section 4430. To grant a special permit reducing the spacing requirement, the board shall find:

4441. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit of this by-law will be observed;

4442. That the proposed use will not enlarge or encourage the development of a "skid row" area;

4443. That the establishment of an additional regulated use in that area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal;

4444. That all applicable regulations of this by-law will be observed;

4445. That no portion of the establishment shall be located on the ground level of any building.

4450. Special Permit. No adult entertainment establishment shall commence operations without first applying for and receiving a Special Permit from the Board of Appeals.

4460. Conditions. The following conditions shall be attached to any special permit for adult entertainment establishments:

4461. Adult entertainment establishments shall not be allowed within a building containing other retail, consumer or residential uses;

4462. No adult entertainment establishment shall be located within sixty (60) feet of a public or private way;

4463. Any adult entertainment establishment shall cease its operations between the hours of 1:00 AM and 10:00 AM each day;

4464. No adult entertainment establishment may have visible from the exterior of the premises any flashing lights;

4465. At all times when an adult entertainment establishment is open for business, the entire area of the premises must be continually illuminated to the degree of not less than one (1) foot candle (measured thirty (30) inches from the floor) except those portions of the room covered by furniture;

4470. Statutory Prohibition. No special permit for an adult use shall be issued to any person convicted of violating G. L. c. 119, s. 63, or G. L. c. 272, s. 28.

deleting existing Section 4800 regarding aquifer protection district and substituting therefor a new Section 4200;

4200. AQUIFER PROTECTION DISTRICT

4210. Purpose. Groundwater is the sole source of drinking water to the residents, businesses and industries of the Town of Chelmsford. The purpose of the Aquifer Protection District is to protect the health, safety, and general welfare by protecting the Town's limited present and future drinking water supply, to ensure a sufficient quantity of potable pure drinking water for the present and future residents, institutions, and businesses of the Town of Chelmsford; and to limit the adverse effects of use and development of land on the quality of the groundwater and surface water resources of the Town of Chelmsford.

4220. Definitions. For the purposes of this section the following words and phrases shall have the following meanings:

AQUIFER - Geologic formation composed of rock, sand, gravel or other geologic material that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

TOXIC OR HAZARDOUS MATERIAL OR WASTE - Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Chelmsford. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under G. L. c. 21C and c. 21E and 310 CMR 30.00. For the purposes of this section, sanitary domestic wastes from residential sources shall not be considered toxic or hazardous waste.

4230. Establishment and Delineation of Aquifer Protection District. There is hereby established within the Town of Chelmsford the Aquifer Protection District. This area is described on a map entitled "Aquifer Protection District Town of Chelmsford, dated October 1997." Said map is incorporated herein by reference.

4231. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Zoning Board of Appeal (ZBA). Any application for a special permit for this purpose shall be accompanied by adequate documentation according to the normal application requirements of the Board of Appeals. If the applicant is able to demonstrate that groundwater flows will not be impacted by the activity on the site, or that groundwater from the site does not contribute to the Aquifer, the Board may grant a special permit relieving the applicant of the obligations of the Aquifer Protection District. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the Town may engage a registered professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all, or part of the cost of the investigation.

4240. Overlay District. The Aquifer Protection District is an overlay district superimposed on the zoning districts and whose regulations are in addition to any other regulations established by this by-law. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Aquifer Protection District must additionally comply
with the requirements of this district. Uses that are prohibited in the underlying zoning district shall not be permitted in the Aquifer Protection District.

4250. Use Regulations. The uses permitted within the Aquifer Protection District shall be the uses permitted in the underlying zoning district, except as restricted below. In the following Table of Use Regulations "N" indicates the use is prohibited, "Y" indicates that the use is permitted, and "PB" indicates that the use may only be permitted by a Special Permit from the Planning Board.

TABLE OF USE REGULATIONS WITHIN THE AQUIFER PROTECTION DISTRICT

PRINCIPAL OR ACCESSORY USE	
1. Sanitary landfill, solid waste disposal site, refuse treatment and disposal facility, landfilling of sludge and septage, storage of sludge and septage.	N
2. Generation, treatment, disposal or storage of Toxic or Hazardous Materials or Waste, except for the following; (a) municipal uses associated with the provision of public water and sanitary sewer services; (b) very small quantity	

generators, as defined by 310 CMR 30.00; (c) waste oil retention facilities required by G.L c. 21 s. 52A; (d) treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters; (e) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390	N
3. Motor vehicle repair facility	PB
4. Automobile graveyards and junkyards as defined in G.L. c. 140B, s. 1	N
5. Car, truck and equipment washing facility where all wastewater discharges to the municipal sewer system or to a private sewer system which discharges to the municipal sewer system or to an approved disposal facility	PB
6. Commercial laundries not connected to the municipal sewer system or to a private sewer system which discharges to the municipal sewer system	PB
7. Dry cleaners with on-site cleaning facilities	PB
8. Furniture or wood stripping, painting & refinishing	PB
9. Disposal of snow contaminated with deicing chemicals and originating from outside the district	N
10. Outdoor storage of fertilizer, animal manure, soil conditioner, pesticide, herbicide and deicing chemicals	N
11. Chemical, bacteriological or radiological laboratory or production facility	N
12. Treatment disposal works for non-sanitary wastewater that are subject to 314 CMR 5.00, except replacement or repair of existing treatment works, or treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water, or treatment works for pretreatment of industrial discharges to the municipal sewer system	N
13. Individual sewage disposal systems designed and/or maintained in accordance with the current requirements of Title 5, 310 CMR 15.00	Y
14. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within four feet of historical high groundwater as	

determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey except for excavations for building foundations, roads or utility works	N
15. The enclosed storage of road salt or other deicing chemicals	PB
16. Modification of groundwater flow through use of underdrains or similar devices, except that a Special Permit shall not be required to maintain, modify or expand single family residential structures lawfully in existence on effective date of this section	PB
17. Enlargement or alteration of existing uses that are nonconforming in the Aquifer Protection District	PB
18. Storage of hazardous materials as defined in G.L. c. 21E, and/or liquid petroleum products unless such storage is: (a) above ground level; (b) on an impervious surface; (c) either in container(s) or above ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater. These storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements	N
19. The construction of dams or other water control devices, ponds, or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements	PB
20. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater (see section 4260)	PB
21. Any discharge to the ground through an interior floor drain	N

4260. Lot Coverage. Any use proposed to render impervious more than 15% or 2,500 square feet of any lot, whichever is greater, shall be subject to a special Permit from the Planning Board. On any such lot a system for groundwater recharge must be provided which does not degrade groundwater quality. Any project drainage design that satisfies the Stormwater Policy issued by

the Department of Environmental Protection, dated November 18, 1996, as amended, shall be sufficient to satisfy the requirements of this section.

4270. Special Permits. The Special Permit granting authority under this section of the Zoning by-law shall be the Planning Board. The Planning Board may grant the Special Permit only upon a finding that the proposed use meets the following performance standards:

4271. The use shall not, during construction or thereafter, adversely affect the existing quality or quantity of water that is available in the Aquifer Protection District;

4272. The use shall be designed to avoid substantial disturbances of the soils, topography, drainage, vegetation and other water related natural characteristics of the site to be developed which are likely to affect existing quality or quantity of water that is available in the Aquifer Protection District;

4273. The use shall be designed to meet State and Federal drinking water standards at the property line; and

4274. The use shall utilize the Best Management Practices which are available for the proposed use.

deleting existing Section 4900 regarding wireless communications facilities and substituting therefor a new Section 4100;

4100. WIRELESS COMMUNICATIONS FACILITIES

4110. Purpose. The purpose of these regulations include to establish siting criteria and standards for communication towers and facilities; to minimize the adverse visual impacts of wireless communications facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; to minimize the overall number and height of such facilities to only what is essential; and to promote shared use of existing facilities to reduce the need for new facilities. The by-law is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town, and to accommodate the need for the minimum number of such facilities within the Town. This section shall not apply to satellite dishes and antennas for residential use which are regulated under Section 2360.

4120. General Requirements. No wireless communications facility shall be erected or installed except in compliance with the provisions of this by-law. In all cases, a Special Permit is required from the Board of Appeals. Any proposed extension in the height, addition of cells, antenna or panels, or construction of a new or replacement facility shall be subject to a new application for a Special Permit. Attachment of cells, antenna or panels to existing suitable structures shall be subject to application for a Special Permit.

4121. Only freestanding monopoles, with associated antenna and/or panels, may be allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy

wires for support are not allowed. For the purposes of this section "monopole" shall mean a pole consisting of not more than one leg, anchored in the ground, which is not supported by guy wires or other bracing. Monopoles shall be set back from the property line a distance at least equal to the height of the monopoles.

4122. Erection of new monopoles may be allowed by special permit in any Commercial District, Industrial District or Public district.

4123. New structures shall be located within five hundred (500) feet of a limited access highway as defined by State and Federal standards.

4124. No new monopoles shall be erected within five hundred (500) feet of an existing residential structure or within two (2) miles of another existing or approved monopole.

4125. Structures shall be removed within one (1) year of cessation of use. If applicable, proof of continued compliance with the standards of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), the American National Standards Institute (ANSI), State building code, and required maintenance shall be filed with the Building Inspector by the Special Permit holder on an annual basis or as deemed necessary by the Building Inspector.

4126. Not more than one monopole shall be located on a lot.

4130. Procedures. All applications for special permits for wireless communications facilities, antennas or satellite dishes shall be made and filed in compliance with the Rules and Regulations of the Chelmsford Board of Appeals. In addition to the minimum requirements of the Board of Appeals, applicants under this section shall include the following:

4131. A locus plan which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings, and all buildings within five hundred (500) feet of the facility;

4132. A color photograph or rendition of the proposed monopole with its antenna and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.

4133. The following information prepared by one or more professional engineers:

a. a description of the monopole and the technical, economic and other reasons for the proposed location, height and design.

b. confirmation that the monopole complies with all applicable Federal and State standards.

c. a description of the capacity of the monopole including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

d. If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4140. Design Requirements. Wireless communications facilities shall conform to the following requirements:

4141. All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. The setback of a monopole from the property line of the lot on which it is located shall be at least equal to the height of the monopole.

4142. No monopole, or attached accessory antenna on a monopole, shall exceed one hundred twenty (120) feet in height as measured from ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.

4143. Antennas or dishes located on nonresidential buildings shall not exceed ten (10) feet in height above the roof-line of the structure. Satellite dishes and/or antennas shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets.

4144. All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. No monopole shall be visible from any location within the Historic District. All monopoles and dishes shall be painted or otherwise colored so they blend in with the landscape or the structure on which they are located and existing on-site vegetation shall be preserved to the maximum extent possible.

4145. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment. Traffic associated with any wireless communication facility shall not adversely affect abutting ways.

4146. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical, so as to reduce the number of facilities which will be required to be located within the community.

4147. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the character of the Town and shall not be of razor wire.

The fence shall be surrounded by a screen of plantings of sufficient density and height so as to shield the fence from view.

4148. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) basis. All signs shall conform with Section 3300 of the Chelmsford Zoning By-law, Signs and Outdoor Lighting.

4149. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

4150. Special Permit Review. Applications for Special Permits may be approved where the Board of Appeals determines compliance with the requirements set forth herein. When considering an application for a wireless communication facility, the Board of Appeals shall place great emphasis on the proximity of the facility to residential neighborhoods and its impact on these residences. New facilities shall only be considered after a finding that existing (or previously approved) facilities cannot accommodate the proposed use(s). When considering an application for an antenna or dish proposed to be placed on a structure, the Board shall place great emphasis on the visual impact of the unit from the abutting neighborhoods and street(s).

E. deleting existing Section 5000 regarding facilitated and independent senior living and substituting therefor a new Section 4500.

4500. FACILITATED AND INDEPENDENT SENIOR LIVING.

4510. Purpose. Facilitated and Independent Senior Living facilities are allowed in a variety of zoning districts by special permit from the Board of Appeals. The intent of the by-law is to provide the opportunity for the development of the types of multi-family and communal housing most beneficial for the senior and elder population of Chelmsford.

4511. Facilitated Living Facilities provide private or communal lodging for persons requiring limited medical attention or supervision and who ordinarily are ambulatory. These include, but are not limited to Assisted Living facilities, Alzheimer's facilities and Congregate Living facilities.

4512. Independent Senior Living facilities are intended to provide a safe, suitable age restricted dwelling unit for a senior couple or individual who are able to live independently. Open space preservation is an important facet of Independent Senior Living projects, and is meant to provide the residents of the project with opportunities for active and passive recreation.

4520. Standards. The following dimensional standards shall apply to Facilitated and Independent Senior Living Facilities:

	RM	CA	CB	CC	CD	IA
Minimum lot area (acres)[1]	5	5	5	5	5	7
Minimum lot width (ft.)	150	125	150	200	50	150
Minimum lot depth (ft.)	150	125	0	200	0	150
Minimum frontage (ft.)	150	125	150	200	50	150
Minimum front yard (ft.)[2]	40	20	60	60	20	40
Minimum side yard (ft.)	25	40	40	40	40	40
Minimum rear yard (ft.)	40	40	40	40	40	40
Minimum building separation (ft.)	25	25	25	25	25	25
Maximum building coverage (%)	35	35	35	35	35	35
Maximum building height (ft.)	35	35	35	35	35	35
Minimum open space - Independent Senior Living (%)	10	30	30	30	30	30
Maximum number of units per acre - Facilitated Living[3]	7	7	7	7	7	7
Maximum number of units per acre - Independent Senior Living[4]	7	4	4	4	4	4

[1] A smaller lot size may be allowed by special permit from the Planning Board where such smaller lot is determined to promote the objectives of this Section 4500.

[2] Or twice the building height, whichever is greater.

[3] Up to 10 units per acre may be allowed by special permit from the Planning Board where increase is determined to promote the objectives of this Section 4500.

[4] Exclusive of open space requirement. Tract size minus open space requirement minus wetlands/floodplain not included in open space requirement times units per acre equals maximum number of units per tract.

4530. General Standards.

4531. The entire site shall be a size and shape as shall provide a housing site that will be in harmony with the natural terrain and other features of the site, and will preserve natural vistas and the character of the neighborhood.

4532. No site on a plan for which an approval is granted under this section may be subdivided so as to create additional lots. A notation to that effect shall be shown on the site plan.

4533. Sites abutting residentially zoned land shall provide a landscaped buffer strip fifty (50) feet in width or a strip as set forth in Section 3531, whichever is larger, to provide adequate screening for adjacent properties. No structure, driveway, parking area or sidewalk shall be located in the landscaped buffer strip. A smaller buffer may be allowed by special permit from the Planning Board where such smaller buffer is determined to promote the objectives of this Section 4500.

4534. Driveways and parking areas within the development shall be constructed in accordance with Section 3100. Sidewalks conforming to the Planning Board Subdivision Rules and Regulations shall be required by the Planning Board. Additional requirements linking pedestrian circulation systems may be required by the Planning Board.

4536. Buildings shall be designed to be complementary in exterior design with each other and with the existing neighborhood in which the facility is located. Dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments with the exception of projects in the RM district.

4537. The method(s) of implementing age restrictions of seniors and elders must be to the satisfaction of the Board of Appeals and the Planning Board.

4538. The Planning Board may set additional site security and safety requirements as deemed necessary to ensure the security and safety of the residents of the facility.

4540. Open Space Requirements. The minimum required open space set forth in Section 4520 shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the site. The percentage of the open space which is wetlands, as defined pursuant to G.L. c. 131, s. 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this Section 4500.

4541. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

4542. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.

4543. Underground utilities to serve the site may be located within the required open space.

4544. The required open space shall, at the Planning Board's election, be conveyed to

a. the Town of Chelmsford or its Conservation Commission;

b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

c. a corporation or trust owned jointly or in common by the owners of lots within the site. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Chelmsford to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

4545. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable

by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

4550. Standards for Independent Senior Living. A minimum of 33% of the units in a project shall comply with ADA accessibility standards to all living areas.

; or to act in relation thereto.

The sum of the changes described above is to recodify the procedures, clarify the language and renumber the same.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 23. To see if the Town will vote to amend the Chelmsford Zoning Bylaw by:

deleting existing Section 1200 regarding administration and substituting therefor a new Section 5100;

5100. ADMINISTRATION.

5110. Permits. This By-Law shall be administered by the Inspector of Buildings. Pursuant to the State Building Code, the Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use without written certification by the Inspector of Buildings that such action is in compliance with then-applicable zoning, and that all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as such certification.

5120. Enforcement. The Inspector of Buildings shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Selectmen or Town Manager to Town Counsel, or action pursuant to Article I, Section 2 of the Town of Chelmsford General By-Laws allowing non-criminal disposition of violations.

5130. Penalties. The penalty for violation of any provision of this By-Law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be Three Hundred dollars ($300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

deleting existing Section 1400 regarding planning board and site plan review and substituting therefor a new Section 5400;

5400. SITE PLAN REVIEW.

5410. Applicability. The following types of activities and uses require site plan review by the Planning Board:

5411. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure involving more than 500 square feet. For the purposes of this section change of use shall mean a change from one principal use listed in the Use Regulations Schedule, Section 2230, to another listed use which results in an increase in required parking or invokes the Aquifer Protection District, Section 4200;

5412. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose;

5413. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan, or work pursuant to an earth removal permit.

5420. Exemptions.

5421. A building wholly or partially destroyed may be rebuilt without recourse to this section if rebuilt without change to the building footprint or the square footage of usable space.

5430. Procedures.

5431. Use, Structure, or Activity Available As of Right. An application for a building permit to perform work as set forth in Section 5410 available as of right shall be accompanied by an approved Site Plan. Prior to the commencement of any activity set forth in Section 5410 available as of right, the project proponent shall obtain site plan approval from the Planning Board. Applicants for site plan approval shall submit twelve (12) full size sets and eight (8) reduced size sets of the site plan to the Planning Board for review.

5432. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be

upon a majority of those present and shall be in writing. No building permit shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board.

5433. Use or Structure Available by Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 5410 shall be accompanied by an approved Site Plan. Applicants for site plan approval shall submit twelve (12) full size sets and eight (8) reduced size sets of the site plan to the Planning Board for review. The Planning Board shall publish a legal notice no less than five (5) days before the public hearing and shall notify all abutters and abutters to abutters within 300 feet.

5434. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No special permit or variance shall be issued by the Board of Appeals without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board, unless extended by the Planning Board. Where the Planning Board approves a site plan "with conditions", and said site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

5435. Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures. Applicants must meet the submission requirements of section 5433.

5436. An application for site plan approval shall be accompanied by a fee, as set forth in the Planning Board's Rules and Regulations.

5437. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein. A copy of the extension shall be provided to the Board of Appeals.

5438. No deviation from an approved site plan shall be permitted without modification thereof.

5440. Preparation of Plans. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=20'.

5450. Contents of Plan. The contents of the site plan are as follows:

5451. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Planning Board. The plans are as follows:

a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage.

c. Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas or resource protection areas subject to protection by the Wetlands Protection Act.

d. Architectural plan, which shall include all floor plans and architectural elevations of all proposed buildings and a color rendering.

e. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

5452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5453. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance

thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this by-law.

5454. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Town of Chelmsford subdivision regulations.

5455. The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts.

5456. Certification that the proposal is in full compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

5460. Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 5440 where the project involves relatively simple development plans or constitutes a minor site plan.

5470. Minor site plan. Applications for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of five hundred (500) square feet but not exceed a total gross floor area of three thousand (3000) square feet, or will not generate the need for more than ten (10) parking spaces, shall be deemed a minor site plan. For the purposes of computing the total gross floor area of a minor site plan, the Inspector of Buildings shall aggregate all such applications made within the five (5) previous calendar years. Minor site plans shall set forth all of the information required by Section 5440; provided, however, that the scale of the site plan may be 1' = 100', unless greater detail is needed for clarity, and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey or Town of Chelmsford topographic maps.

5471. Minor site plans shall be referred to the applicable town agencies at the discretion of the Planning Board.

5480. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5481. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;

5482. Maximize pedestrian and vehicular safety both on the site and egressing from it.

5483. Minimize obstruction of scenic views from publicly accessible locations;

5484. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

5485. Minimize glare from headlights and lighting intrusion;

5486. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5487. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;

5488. Ensure compliance with the provisions of this Zoning By-Law, including parking and landscaping.

5490. Lapse. Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

5490A. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

deleting existing Section 1500 regarding special permits and substituting therefor a new Section 5300;

5300. SPECIAL PERMITS AND VARIANCES.

5310. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

5320. Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or

the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on town services, tax base, and employment.

5330. Procedures. Whenever an application for a special permit is filed with a special permit granting authority, said authority shall distribute copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Inspector of Buildings, Director of Public Works, Police Chief, Fire Chief, Sewer Commission, Planning Board/Board of Appeals (whichever is not the Special Permit granting authority) and applicable water district for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant.

5331. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

5332. The special permit granting authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall be deemed nonsubmittal of the application, without prejudice.

5333. Reports from other boards and officials shall be submitted to the special permit granting authority by the date of the public hearing. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto.

5334. The Decision/Findings of the special permit granting authority shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

5340. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

5350. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5440, herein.

5351. The provisions of this Section 5350 shall not apply to applications for special permits to reconstruct, extend, alter, or structurally change a nonconforming single or two family structure. The Board of Appeals may establish procedures governing such applications by regulation.

5360. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

5370. Variances. Procedural requirements for variances shall follow 5330.

deleting existing Section 1700 regarding court appeals in its entirety;

deleting existing Section 2400 regarding nonconforming uses and structures and substituting therefor a new Section 2260;

2260. Nonconforming Uses and Structures.

2261. Applicability. This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

2262. Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

a. Change or substantial extension of the use;

b. Change from one nonconforming use to another, less detrimental, nonconforming use.

2263. Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

a. Reconstructed, extended or structurally changed;

b. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

c. Reconstructed after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure.

2264. The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

2265. Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Extension or alteration of nonconforming single and two family structures shall be allowed by right so long as such extension or alteration is within the existing footprint.

2266. Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law.

2267. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

deleting existing Section 2530 regarding isolated lots in its entirety.

; or to act in relation thereto.

The sum of the changes described above is to recodify the procedures, clarify the language and renumber the same in order to bring the sections into conformance and consistency with statute and case law.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 24. To see if the Town will vote to amend the Chelmsford Zoning Bylaw by:

A. deleting existing Sections 2210, 2220 and 2300 regarding use regulations and substituting therefor new Sections 2210, 2220 and 2230 respectively in order to bring the sections into conformance with actual development patterns and the recommendations of the 1996 Master Plan;

2200. USE REGULATIONS.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule", or in Section 2240, "Accessory Uses", unless exempted by this by-law or by statute. Uses not expressly provided for herein are prohibited. Not more than one principal structure shall be placed on a lot, except in accordance with Section 2340.

Symbols employed below shall mean the following:

- Y - A permitted use.
- N - An excluded or prohibited use.
- BA - A use authorized under special permit from the Board of Appeals as provided under Section 5300.
- PB - A use authorized under special permit from the Planning Board as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule.

D I S T R I C T

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
A. RESIDENTIAL														
1. Single-family dwelling	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
2. Two-Family dwelling	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
3. Multi-family dwelling	N	N	N	PB	N	N	N	N	N	N	N	N	N	N
4. Conversion of dwellings	N	BA	Y	BA	N	N	N	N	N	N	N	N	N	N
5. Boarding house	N	N	Y	N	N	Y	N	Y	N	N	N	N	N	N
6. Mobile home	N	N	N	N	N	N	N	N	N	N	Y[5]	N	N	N
7. Planned open space residential development	PB	PB	N	N	N	N	N	N	N	N	N	N	N	N
8. Group Residence	N	N	N	BA	BA	BA	BA	BA	BA	N	N	N	N	N
9. Facilitated and Independent Senior Living	N	N	N	BA	BA	BA	BA	BA	BA	N	N	N	N	N
B. EXEMPT AND INSTITUTIONAL USES														

[5] Intensity of use shall be limited to permit a maximum of 7 units per acre and a maximum of 254 units in the RMH District.

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Licensed day care facility for the day care of six or fewer nonresident children	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
4. Adult day care facility	N	N	N	BA	BA	BA	BA	BA	BA	N	N	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
land containing more than five acres in area on which the facility is located														
8. Cemeteries	Y	Y	N	N	N	N	N	N	Y	N	N	N	Y	N
9. Municipal facilities except garages, storage or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
10. Municipal garages, storage or repair shops	N	N	N	N	N	BA	N	N	BA	N	N	N	Y	N
11. Essential services	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
12. Hospital	N	BA	BA	BA	N	Y	N	N	N	N	N	N	N	N
13. Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	N
C. COMMERCIAL														
1. Nonexempt agricultural use[6]	Y	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N
2. Nonexempt farm stand for wholesale or retail sale of products[7]	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
3. Nonexempt educational use	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N
4. Animal clinic or hospital[6]	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N

[6] Provided there are neither hogs nor fur-bearing animals.

[7] No such stand shall be permitted in an historic district.

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
5. Kennel[6]	N	N	N	N	N	N	N	N	BA	N	N	N	N	N
6. Nursing or convalescent home	N	N	N	BA	N	BA	N	N	N	N	N	N	N	N
7. Funeral home	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N
8. Motel or hotel	N	N	N	N	N	Y	PB	PB	PB	N	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	N	N	N	Y[8]	Y[9]	Y[5]	Y[5]	N	N	N	N	N	N
10. Motor vehicle sales and rental[6]	N	N	N	N	N	Y	N	N	N	N	N	N	N	N
11. Motor vehicle general and body repair	N	N	N	N	N	Y[5]	N	N	N	N	N	N	N	N
12. Motor vehicle light service[10]	N	N	N	N	N	Y[5]	BA	BA	N	N	N	N	N	N
13. Motor vehicle park, without services[6]	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N
14. Restaurant	N	N	N	N	N	Y[5]	Y[5]	Y[5]	N	N	N	N	N	N
15. Restaurant, fast-food	N	N	N	N	N	BA	BA	N	N	N	N	N	N	N

[8] No structure shall exceed 3,000 square feet gross floor area.

[9] A special permit from the Board of Appeals shall be required if more than 10,000 square feet gross floor area are devoted to business use on the premises.

[10] Notwithstanding the provisions of note 6 of the Dimensional Table, no structures, pumps, or fuel storage tanks shall be located within 50 feet of a residentially used premises or a residential district.

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
16. Business or professional office	N	N	N	N	Y[4]	Y	Y	Y	Y	N	N	Y	N	N
17. Medical center or clinic	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
18. Bank, financial agency	N	N	N	N	N	Y[5]	Y[5]	Y[5]	N	N	N	Y	N	N
20. Indoor commercial recreation	N	N	N	N	N	Y[5]	Y[5]	BA	N	N	N	N	BA	Y
21. Outdoor commercial recreation	N	N	N	N	N	N	N	N	N	N	N	N	BA	Y
22. Club or lodge	N	BA	BA	BA	N	Y	BA	Y	N	N	N	N	BA	Y
23. Riding academy	N	BA	N	N	N	BA	N	N	N	N	BA	N	BA	BA
24. Golf course	BA	BA	BA	BA	BA	BA	BA	BA	N	N	BA	N	N	BA
25. Campground	N	N	N	N	N	N	N	N	N	N	N	N	N	N
26. Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N	N	BA	N	N
27. Wireless Communications Facility	N	N	N	N	BA	BA	BA	BA	BA	BA	N	BA	BA	N
28. Fairs, carnivals and similar events	N	N	N	N	N	BA	BA	BA	BA	BA	N	N	BA	BA
D. INDUSTRIAL														
1. Earth removal	N	N	N	N	N	N	N	N	BA	BA	N	N	N	N
2. Light manufacturing	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	N	N	N	N	N	N	BA	N	N	Y	N	N
4. Granite operations	N	N	N	N	N	N	N	N	N	BA	N	N	N	N

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
5. Contractor's yard	N	N	N	N	N	N	N	N	BA	N	N	N	N	N
6. Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N
7. Solid waste disposal facility or sanitary landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	N
8. Refuse incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N
9. Transport terminal	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
10. Wood operation	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
11. Pedestrian and vehicular access and egress by private way to and from uses permitted in an IA District	N	N	N	N	N	PB	N	N	Y	N	N	N	N	N
12. Retail sale of goods, the majority of which are produced or undergo processing on the premises[11]	N	N	N	N	N	Y	N	N	BA	BA	N	N	N	N

[11] The retail outlet shall not exceed 1,000 square feet or 10% of the gross floor area of the principal facility, whichever is less.

2240. Accessory Uses. Any use permitted as a principal use is also allowed as an accessory use, as are others customarily accessory and incidental to permitted principal uses.
Accessory uses are permitted only in accordance with lawfully existing principal uses. An accessory use may not, in effect, convert a principal use to a use not permitted in the zoning district in which it is located. Where a principal use is permitted under special permit, its accessory use is also subject to the special permit. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 5400, such addition shall also require site plan review and approval.

2242. Major Recreational Equipment. No major unregistered recreational equipment shall be stored on any lot in a residential district other than in a carport or enclosed building or behind the building line of the principal building, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed seventy-two (72) hours. No such equipment shall be used for living or housekeeping purposes when stored on a residential lot, or in any location not approved for such use. All equipment which does not conform to these regulations shall be considered nonconforming.

B. deleting existing Section 2600 regarding the intensity of use schedule and substituting therefor a new Section 2320 in order to bring the section into conformance with actual development patterns and the recommendations of the 1996 Master Plan. The table of dimensional uses includes new headings floor area ratio and (maximum) stories and deletes minimum landscaped open space and landscaped front yard.

2320. Table of Dimensional Requirements.

D I S T R I C T S

DIMENSIONAL REQUIREMENTS	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Minimum Lot Requirements														
Area (x1000 sq. ft.)	60	40	20	40[1]	20	40	100	10	40	40[2]		40	20	20
Width (feet)	150	150	125	150	125	150	200	50	150	150		150	125	125
Depth (feet)	150	150	125	150	125	0	200	0	150	150		0	125	125
Frontage (feet)	150	150	125	150	125	150	200	50	150	150		150	125	125
Minimum Yard Requirements														
Front (feet)[ii]	40	40	20	40	20	60	60	20	40[4]	40[4]		60	20	20
Side (feet)	25	25	12	25[5]	10[6]	30[6]	30[6]	10[6]	40[4]	40[4]		30[6]	10[6]	10[6]
Rear (feet)	30	30	20	30[5]	10[6]	20[6]	30[6]	10[6]	30[4]	30[4]		20	10	10
Maximum Building														
Coverage (%)	10	15	20	15	15	40	30	40	40	40		30	15	15
Stories	3	3	4	3	3	0	3	4	4	4		4	3	3
Height (feet)	35	35	45	35	35	45	35	45	45	45		45	35	35
Floor Area Ratio	.15	.20	.25	.30	.45	.45	.45	.45	.45	.45		.45	N/A	N/A

[1]. For multifamily dwellings, not less than 80,000 sq. ft. or 5,000 sq. ft. per dwelling unit, whichever is greater.

[2]. For granite operations, minimum lot area shall be 10 acres.

[3]. Corner lots shall maintain front yard requirements for each street frontage.

[4]. Increase to 100 feet when abutting a residentially used or zoned property.

[5]. Increase by 20 feet where abutting an RA or RB District.

[6]. Increase by 20 feet where abutting a residentially used or zoned property.

C. deleting existing Section 4700 regarding planned open space residential development and substituting therefor a new Section 4600. The changes simplify the language and procedures of the section.

4600. PLANNED OPEN SPACE DEVELOPMENT.

4610. Purpose. Planned Open Space Developments, hereinafter known as POS, may be allowed by special permit by the Planning Board for the purpose of providing attractive, convenient, efficient neighborhoods and to promote the conservation of open space and the efficient use of land in harmony with its natural features.

4620. General Standards.

4621. The tract of land proposed for a POS shall contain a minimum of ten (10) acres. These proposals shall be permitted only within a subdivision as defined in G.L. c. 41, s. 81L.

4622. Number of Dwelling Units. The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

4623. If any part of a dwelling or accessory building in a POS is proposed to be located within one hundred (100) feet of the perimeter of such development, such building(s) shall be located so as to comply with the minimum yard dimensions for principal and accessory buildings for the applicable zoning district.

4624. Minimum lot area shall be 12,000 square feet. Minimum frontage shall be 50 feet. Minimum side yards shall be 12 feet. Minimum front and rear yards shall be 20 feet. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved.

4625. All streets in a POS shall be improved in accordance with the requirements and specifications of the subdivision regulations. Driveways and other paved areas intended to remain in private ownership shall be approved as to design and construction standards by the Planning Board.

4626. A written agreement or contract to be executed between the developer and the Town of Chelmsford shall be submitted at the final stage of the subdivision review stating:

a. That the owner or developer will construct the development and install improvements both public and private in accordance with the approved plan. A bond shall be posted to guarantee completion.

b. That in the event of failure of the owners, successors, or assigns to maintain any common open space, recreation areas, landscaping features or other required improvements the town may enter said development and perform such necessary maintenance work and charge the cost, including attorney fees to the owner, successor, or assigns.

c. That this contract shall be binding upon the heirs, assigns, successors or receivers of the development and shall constitute a lien on the property in the development.

d. Any other conditions required by the Planning Board.

4627. A site plan, in addition to the final subdivision plan, shall be recorded after the POS is approved. As a minimum this site plan shall show the entire development indicating lots, roads, easements, open space, phases for development, any recreational uses or buildings to the constructed in the open space and any ponds, streams or wetlands. This plan shall be approved by the Planning Board before it is recorded.

4628. Buffer Areas. All dwellings and structures shall be located a minimum of 50 feet from adjacent properties, and 100 feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agriculturally used property.

4630. Open Space Requirements. A minimum of twenty-five (25%) of the site shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the site. The percentage of the open space which is wetlands, as defined pursuant to G.L. c. 131, s. 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this Section 4600.

4631. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

4632. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.

4633. Underground utilities to serve the site may be located within the required open space.

4634. The required open space shall, at the Planning Board's election, be conveyed to

a. the Town of Chelmsford or its Conservation Commission;

b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

c. a corporation or trust owned jointly or in common by the owners of lots within the site. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Chelmsford to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

4635. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

4640. Homeowners Association. The applicant or developer shall provide for and establish a homeowners association as a nonprofit organization or other legal entity under the laws of Massachusetts for the use, care and maintenance of lands and improvements. Membership in the association shall be mandatory for all landowners within the POS, and each lot shall be entitled to equal representation. The association shall be formed prior to conveyance of the first lot, in a form acceptable to the Planning Board.

4650. Certificates or Documents. The following certificates or documents shall be submitted to the Planning Board:

4651. Copies of any proposed management policies and existing or proposed deed restrictions or covenants running with the land in the development.

4652. A description of any existing easement, covenants, or restrictions affecting land within the development and an instrument conveying any easements required as condition of approval to the town.

4660. Disclosure. Prior to approval by the Planning Board, the developer must file and have approval by the Planning Board a sample purchase and sale agreement which shall be used for the purchase of individual lots and dwellings. Said agreement shall include a conspicuous type the following;

> The property is part of a POS subject to the zoning by-law and the subdivision regulations of the Town of Chelmsford. The purchaser and subsequent owners of the property are subject to the requirements therein contained. The purchaser shall be required to be a member of a homeowners association, shall be subject to rules and regulations of said association and shall be liable for any applicable assessment made by or against said association. The ultimate liability for the open space falls on the individual lot owner.

The purchase and sale agreement shall further contain a statement by the seller that the purchaser has been provided with a copy of the documents pertinent to the POS and a prospectus which shall summarize in layman's language of the information contained therein.

4670. Decision. The Planning Board shall not approve a POS development in an established single-family neighborhood where, in their determination, such land use will be inconsistent with or will have a detrimental effect upon the surrounding property. If the Planning Board denies a POS based on this section they shall identify this as the reason for denial.

4671. Approval under this Section 4600 does not relieve the applicant from conformance with the Subdivision Control Law. No part of the construction of a POS shall begin until the plan of such development has been granted final approval by the Planning Board in accordance with the subdivision regulations. The developer shall submit with the request for a POS an alternate plan(s) for developing the site as a conventional subdivision at the presubmission review and preliminary plan stages of the subdivision process which shall adhere to all subdivision requirements. The Planning Board may establish additional rules and regulations to govern the POS and the filing of additional material or information.

D. deleting existing Article V regarding definitions and substituting therefor a new Article VI. These changes add definitions for previously undefined terms and clarify other definitions.

Article VI. Definitions.

In this by-law, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the by-law. Words used in the present tense include the future. The singular includes the plural and the plural includes the

singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this by-law.

Accessory building: A subordinate building located on the same lot as the main, or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building or use of the land.

Adult day care facility: A building or structure where care, protection, and supervision are provided, on a regular schedule, to adults over the age of 18.

Adult entertainment establishments: Shall include and be defined as follows:

> Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, computer compact disks, computer disks or diskettes, or coin-operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "sexual conduct" as that term is defined in Chapter 272, section 31 G.L., "sexual devices" or an establishment having for sale sexual devices which shall mean any artificial human penis, vagina or anus or other device primarily designed promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations or an establishment with a segment or section devoted to the sale or display of such materials.
>
> Adult live entertainment establishments: Establishments which feature live entertainment which consists of entertainers engaging in "sexual conduct" or "nudity" as defined in Chapter 272, section 31, G.L.
>
> Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating 'sexual conduct" as defined in Chapter 272, section 31, G.L., for observation by patrons therein.

Adult mini motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to 'sexual conduct" as defined in Chapter 272, section 31, G.L., for observation by patrons therein.

Substantial or significant portion shall mean at least that portion of:

(i) retail sales accounting for at least twenty-five percent of gross sales; or

(ii) merchandise accounting for at least twenty-five percent of total merchandise available for sales; or

(iii) shelf space and display space which when combined is in excess of eighty (80) square feet.

Agricultural use, nonexempt: Agricultural use of property not exempted by G.L. c. 40A, s. 3.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

Alzheimer's facility: A facility providing treatment and communal lodging for more than four (4) unrelated persons who have been diagnosed by a medical doctor as having Alzheimer's disease, but who do not require the skilled nursing care typically provided by a nursing home.

Animal clinic or hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

Animal kennel or hospital: Premises used for the harboring and/or care of more than three (3) dogs or other domestic, non-farm animals (three months old or over). Use shall be so classified regardless of the purpose for which the animals are maintained, whether fees are charged or not, and whether the use is a principal or accessory one.

Assisted living facility: A facility providing private multifamily dwellings or communal lodging for more than four (4) unrelated persons requiring assistance with the activities of daily living, such as aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks, as defined by G.L. c. 19D, s. 1.

Barn sale, garage sale, yard sale or flea market: Temporary use of residential, institutional, or industrial premises for sale of personal property.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to more than four (4) boarders. Where four (4) or more unrelated individuals rent a dwelling, it shall be considered a boarding house.

Building: A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building height: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street, the height shall be measured from the average of the grade at the center line of each street front. Not included are spires, cupolas, antennae, or similar parts of structures that do not enclose potentially habitable floor space.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business or professional office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, which is primarily used for recreational purposes and retains on open air or natural character.

Child Care Facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

Commercial recreation, indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theaters, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

Commercial recreation, outdoor: Drive-in theater, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-Law.

Congregate living facility: A facility providing communal lodging for more than four (4) unrelated elders in a non-institutional residential shared living environment which integrates shelter and services needed by the functionally impaired or socially isolated elder who does not require the constant supervision or intensive health care services as provided in a nursing home. The shared living environment shall include at least the following: (a) shared kitchen facilities; and (b) shared dining facilities. Each bedroom shall be considered one (1) unit.

Club or lodge: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social,

civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Contractor's yard: Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families.

Earth removal: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

Educational use, nonexempt: Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water or sewer transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

Facilitated living facility: Shall include assisted, Alzheimer's and congregate living facilities.

Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Family day care home: Any private residence which on a regular basis receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs. Provided, however, in either case, that the total number of children shall not exceed more than six (6), excluding participating children living in the residence.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by G.L. c. 40A, s. 3.

Floor area, gross: The sum of the horizontal areas of the floors of a building or several buildings on the same lot measured from the exterior face of exterior walls, or from the centerline of the wall separating two buildings, not including any space where the floor to ceiling height is less than seven feet three inches.

Floor area, net: the aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot, measured from the exterior faces of the walls enclosing each building; and exclusive of the cellars and attic areas used only for storage, bathrooms, stairwells, elevators, mechanical rooms, or areas for service incidental to the operation or maintenance of the building.

Floor area ratio: The ratio of the gross floor area of the building or buildings on one lot to the total area of the lot.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Group residence: A facility licensed by the Commonwealth of Massachusetts serving not more than twenty-five (25) persons.

Granite operations: The removal and processing of granite for construction use, not including stone crushing.

Hazardous material: Any substance which is listed in, but not limited to, the EPA priority pollutants as described in section 307(a) of the Clean Water Act, as amended.

Home occupation: An occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof.

Impervious: Any area impenetrable by surface water.

Independent living facility: A facility providing an independent, age restricted dwelling for a retired or senior individual or couple. In addition to bed space, such facilities would ordinarily include private toilet, bath, food preparation facilities and a private dining area.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall be considered junk.

Junkyard or automobile graveyard: The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

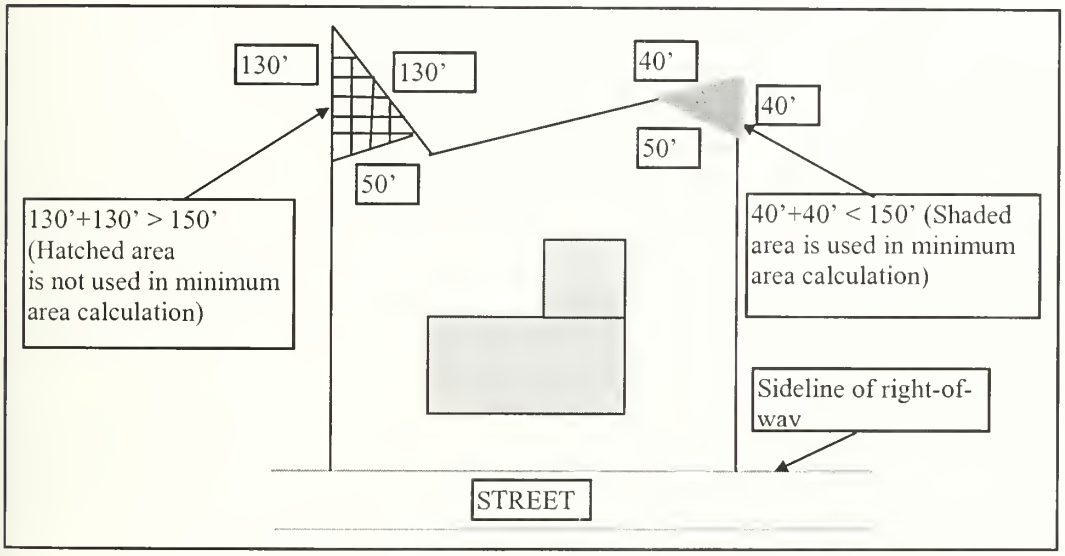
Kennel: An establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold located on at least five (5) acres of land.

Light manufacturing: Fabrication, assembly, processing, finishing work or packaging.

Lot: A continuous parcel of land with legally definable boundaries.

Lot area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L, as amended. When the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than one hundred fifty (150) feet. See accompanying diagram, below.

Figure 1: Minimum lot area



Lot, corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces.

Lot, depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot line: A line dividing one lot from another, or from a street or any public place.

Lot, width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Major Recreational Equipment: Campers, trailers or other recreational vehicles.

Massage service establishments: (i) Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aide of any mechanical or electric apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniment antiseptics, oils, powders, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor; (ii) The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions: (a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts; (b) Nurses who are registered under the laws of the Commonwealth of Massachusetts; (c) Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes; (d) Massage therapists who are duly permitted to practice under the Rules and Regulations of the Chelmsford Board of Health.

Medical center or clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mobile home: A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Motel or hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Motor vehicle, body repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage vehicles for the cannibalization of parts.

Motor vehicle, general repairs: Premises for the servicing and repair of autos, but not to include fuel sales.

Motor vehicle, light service: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Municipal facilities: Facilities owned or operated by the Town of Chelmsford.

Nonfamily accommodations: Boarding houses, lodging houses, guest houses, tourist homes, dormitories, half-way houses, or similar accommodations. Accommodations shall be considered hotels or motels if having a sign in excess of two (2) square feet or other departure from residential character; or, if having specified term of residence less than one (1) week. Accommodations individually having a stove and either or both a refrigerator and a sink shall be considered dwelling units.

Nursery school: A school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age inclusive and operated on a regular basis.

Nursing or convalescent home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Open lot storage: Outdoor storage of bulk goods and products for distribution but not for sale on the premises.

Open space, landscaped: That part or parts of a lot designed and developed with trees, plants, shrubs, flowers, grass, groundcover, and other landscape features, including natural features of the site, walks, terraces, and open areas otherwise free of any structures or pavement. Such landscaped open space as is provided shall be maintained by the owner throughout the duration of his or her tenure.

Outdoor commercial recreation: Drive-in theater, golf driving range, miniature golf, race track, amusement park, professional sports stadium, or similar commercial recreation conducted in whole or in part outdoors.

Parking garage: A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

Recharge area: An area of geologic deposits through which water from the surface can infiltrate through the soil to the groundwater. These geologic deposits generally consist of stratified sand and gravels.

Refuse incinerator: An engineered apparatus with grate area in excess of ten (10) square feet used to burn waste and in which all combustion factors, temperature, retention time, turbulence and combustion can be controlled which is approved by the Massachusetts Department of Public Health and the Chelmsford Board of Health.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast food establishments."

Restaurant, fast-food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

Retail: A facility selling goods but not specifically listed in 2230, the Table of Use Regulations.

Riding academy: An establishment where horses are kept for sale, riding, driving, or stabling, for compensation or incidental to the operation of a club, association, or similar establishment.

Salvage yard: Property where motor vehicles are junked, dismantled or stored for later dismantling or distribution.

Sanitary landfill: A site for solid waste disposal approved by the Massachusetts Department of Public Health and the Chelmsford Board of Health. Disposal of raw sewage and similar waste items are not permitted.

Senior or Elder: An individual who is 60 years of age or over.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows that are internally illuminated or decorated with gaseous tube or other lights are considered "signs." The following, however, shall not be considered signs within the context of this by-law:

(a) Flags and insignia of any government except when displayed in connection with commercial promotion.
(b) Legal notices, or informational devices erected or required by public agencies.
(c) Temporary devices erected for a charitable or religious cause, provided they are removed within seven (7) days of erection.
(d) Temporary displays inside windows, covering not more [than] thirty (30) percent of window area, illuminated by building illumination only.
(e) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
(f) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.
(g) Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.
(h) Address identification through numerals or letters not exceeding three (3) inches in height.

Sign area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other irregularities. Structural members not bearing advertising matters hall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

Solid waste disposal facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Chelmsford for processing, handling, treating, and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items, and sludges but not raw sewage, and similar waste items.

Street: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like.

Temporary structure: A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the intensity schedule of section 2300 and shall receive a permit from the Building Inspector.

Toxic materials: A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, and assimilation into any organism can cause death, disease, mutations, deficiencies, or malfunctions in such organisms or their offspring.

Transport terminal: Terminal facilities for handling freight with or without maintenance facilities.

Warehouse: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Wireless communications facility: Monopoles, satellite dish(es) over three (3) feet in diameter, antennas, and accessory structures which facilitate the provision of wireless communication service.

Wireless communication service: The provision of cellular telephone service, personal communication service and enhanced mobile radio service.

Wood operation: Forests, wood lots, portable woodworking mills and machinery located on the property for use in connection with the forest and wood lot operations of the owner only, with products stored not within one hundred (100) feet of the street line.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, front: A yard extending the full width of the lot and situated between the street line and the nearest point of the building.

Yard, rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot.

Yard, side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

; or to act in relation thereto.

These changes add definitions for previously undefined terms and clarify other definitions.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 25. To see if the Town will vote to amend the Chelmsford Zoning Bylaw by:

A. deleting existing Section 3200 regarding environmental protection standards and substituting therefor a new Section 3400, which is similar to the existing section and adds a new section related to erosion control;

3400. ENVIRONMENTAL PROTECTION STANDARDS.

3410. General. No activity shall be permitted in any district unless it shall be in conformity with the standards for environmental protection included herein. The Inspector of Buildings may require an applicant for a building or occupancy permit to supply, at his expense, such technical evidence as is necessary in support of the application, and may, in connection therewith, and at the applicant's expense, obtain expert advice as necessary to review the plans and proposals of the applicant. Payment of such expert advice to the Inspector of Buildings shall be made, or guaranteed by bond or other legally binding device, before further consideration of the application shall continue. After a permit is issued in accordance with this section, continuing compliance is required. When the Inspector of Buildings suspects a subsequent violation he may, as necessary obtain expert advice, which if the violation is established, shall be paid for by the violator, otherwise, by the town.

3420. Standards. The following standards are hereby established.

3421. Water quality. No discharge at any point into any public sewer, private sewerage disposal system, stream, water body, or into the ground, of any materials of such nature or temperature as can contaminate such water body or water supply, or cause emission of dangerous or offensive elements in reaction thereto, shall be permitted except in accordance with applicable federal, state, and local health and water pollution control laws and regulations.

3422. Air quality. No building or occupancy permit shall be issued for any facility specified in Regulation 2.3, "Regulations as Amended for The Control of Air Pollution in the Merrimack Valley Air Pollution District," Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control, until written approval for the facility has been obtained from the Department of Public Health. The provisions of said regulations shall apply to dust, flash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof in the ambient air space.

3423. Noise. No use shall be permitted within the Town of Chelmsford which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. Exempt from the provisions of this subsection are (a) vehicles not controlled by an owner or occupant of a lot within the town, (b) temporary construction activities occurring during the hours of 7 a.m. to 6 p.m. on weekdays, (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity, (d) use of power tools and equipment such as lawn mowers, snow-blowers, chain saws, tractors, and similar equipment for the maintenance of property. For the purposes of this by-law the standards in the Noise Table shall apply:

NOISE TABLE

FOR SOUNDS GENERATED CONTINUOUSLY FROM ANY SOURCE NOT OTHERWISE EXEMPTED ABOVE, AND MEASURED:	MAXIMUM PERMITTED SOUND LEVELS (IN DBA): (dBA shall mean the A-weighted sound pressure levels in decibels, as measured by a general purpose sound level meter complying with the provision of "American National Standards Institute." The instrument shall be properly calibrated and set to the A-weighted response scale, and the meter set to the slow response. Reference pressure shall be 0.0002 microbars.)
At the lot line of an adjacent or nearby residence or institutional use, weekdays during the hours of 7 a.m. to 6 p.m.	60
At the lot line of an adjacent or nearby residence or institutional use, Sundays or during the hours of 6 p.m. to 7 a.m. weekdays	50
At the lot line of an adjacent business use	65
At the lot line of an adjacent industrial use	70

a. Exceptions for intermittent noise. The levels (dBA) specified in the Noise Table may be exceeded by ten (10) dBA, weekdays during the hours of 7 a.m. to 6 p.m., but not at any other time, for a period not to exceed twenty (20) minutes during any one (1) day.

b. Impact noise. Impact noise such as from a punch press, drop forge hammer, or similar equipment, shall be measured using the fast response of the sound level meter, and shall not exceed the levels specified in the Noise Table by more than ten (10) dBA.

3424. Solid waste storage. Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with subsection 3542 of this by-law. Screening materials will not be attached to any structure.

3425. No vibration, odor, glare, or flashing shall be detectable without instruments at any lot line of a residential or institutional use.

3426. Cinders, dust, fumes, gases, odors, smoke, radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations.

3427. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line voltage off the premises.

3428. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate fire fighting and fire suppression equipment standard in this industry. Burning of waste materials in the open contrary to state law is prohibited.

3429. All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers.

3430. Erosion Control. Site design, materials, and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff by conformance with the following:

3431. Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area, or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

3432. All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber, or other acceptable means.

3433. No area or areas totaling 2 acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided, and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary

cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

3434. The Building Commissioner may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

3435. In granting a special permit hereunder, the Planning Board may require a performance bond to ensure compliance with the requirements of this Section.

3436. Hillside areas, except naturally occurring ledge or bedrock outcroppings or ledge cuts, shall be retained with vegetative cover or appropriate stabilization.

3444. The Building Commissioner may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

3445. In granting a special permit hereunder, the Planning Board may require a performance bond to ensure compliance with the requirements of this Section.

3446. Hillside areas, except naturally occurring ledge or bedrock outcroppings or ledge cuts, shall be retained with vegetative cover or appropriate stabilization.

B. deleting Section 3420 regarding screening and substituting therefor a new Section 3500 related to landscaping for non-residential uses.

3500. GENERAL LANDSCAPING REQUIREMENTS.

3510. Purpose. This Section 3500 is designed to accomplish the following objectives:

3511. To provide a suitable boundary or buffer between residential uses and districts and nearby nonresidential uses;

3512. To define the street edge and provide visual connection between nonresidential uses of different architectural styles;

3513. To separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;

3514. To provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas;

3515. To preserve or improve the visual and environmental character of Chelmsford, as generally viewed from residential or publicly accessible locations; and

3516. To offer property owners protection against diminution of property values due to adjacent nonresidential use.

3520. Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings. The requirements set forth in Section 3500 may be reduced by special permit issued by the Planning Board upon a finding that such reduction will not detract from the objectives of this Section 3500.

3530. Landscaping Requirements for Property Lines.

3531. Property line(s) with residential uses or districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or paved space intended for or used as a parking area may be located within the buffer area. Planted buffer areas along property lines with residential districts or uses shall be of the following minimum depth in each district:

DISTRICT	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Distance in ft.	20	20	30	50	50	50	50	30	30	30	10

3540. Landscaping Requirements for Parking Areas.

3541. Parking areas with more than 10 spaces shall contain 150 square feet of planted area for every 1000 square feet of pavement related to parking spaces and aisles. Such planted areas shall be appropriately situated within the parking area and contain an appropriate mix of shade trees and other plants.

3542. Parking lots, loading areas, storage areas, refuse storage and disposal areas, and service areas shall be screened from view, to the extent feasible, from all public ways, and from adjacent properties, by the use of planted areas, berms, natural contours, fences or a combination of the above.

3543. Buffer strips between parking lots and rear or side lot lines shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11-24	10 feet plus one foot for each space in excess of 10 spaces
25 or more	25 feet

3550. Landscaping Requirements for Street Frontage of Nonresidential Uses. A landscaped buffer area, except for approved access ways, at least twenty feet in width as measured from the layout of the roadway providing frontage, shall be established. The buffer area shall be planted with grass, medium height shrubs, and shade trees. Shade trees shall be planted at least every 35 feet along the road frontage.

3560. Planted Area Requirements. Planted Areas shall contain an appropriate mix of the following types of plants. Plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

3561. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting, and have a spread of at least 18 inches.

3562. Grass is preferable to mulch where practical.

3563. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

3564. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting.

3570. Coordination with Site Plan Approval. The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section 3500.

3580. Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate

season. Bark mulch and nonplant ground surface materials shall be maintained so as to control weed growth.

; or to act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

These sections revise Environmental Protection Standards and General Landscaping Requirements in order to meet 1996 Master Plan Goals.

ARTICLE 26. To see if the Town will vote to amend the Chelmsford Zoning Bylaw by:

A. inserting a new Section 5414 regarding site plan review for certain single family dwellings;

5414. Construction, exterior alteration or exterior expansion of a single or two family structure that will result in habitable space of more than 4000 square feet on a lot which held a single or two family structure within the past two years.

B. inserting a new Section 2370 regarding the creation of rear lots;

2370. Rear Lots. Rear lots shall be allowed only in the RA and RB Districts by special permit issued by the Planning Board. Individual lots need not have the required amount of street frontage, provided that all of the following conditions can be met for each individual lot lacking such frontage:

2371. The area of said lot is at least 80,000 square feet.

2372. The front, rear, and side yards shall be at least 40 feet.

2373. A building line is designated on the plan, and the width of the lot at that line equals or exceeds 125 feet.

2374. Lot width is at no point less than 50 feet, and lot frontage is not less than 50 feet. No section of the lot with a width of less than 100 feet shall be used to compute the minimum lot area set forth above.

2375. Not more than one (1) rear lot shall be created from a property, or a set of contiguous properties held in common ownership as of [date of town meeting]. In order to be eligible for a rear lot, such property or set of contiguous properties held in common ownership as of [date of town meeting] shall not have been divided after such date. No further division of said property or properties shall be permitted after the creation of a rear lot. Documentation to this effect shall be submitted to the Building Inspector. The Building Inspector shall not issue a building permit for any rear lot without first establishing that compliance with this provision has been determined by the Planning Board.

2376. At the time of the creation of the rear lot, it shall be held in common and contiguous ownership with the front lot.

2377. There shall be a turnaround at the house site suitable for an SU30 vehicle. There shall be a pullout on the access driveway every 250 feet.

C. amending Section 4230 regarding the aquifer protection district map by deleting reference to the map entitled "Aquifer Protection District Town of Chelmsford, dated October 1997" and substituting therefor a new map entitled "Aquifer Protection District, August 1998". This change would amend the aquifer protection district to include the recharge area for the proposed Chelmsford Water District well located at Barnes Terrace.

; or to act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

These changes bring the section into conformance with actual development patterns and the recommendations of the 1996 Master Plan.

ARTICLE 27. To see if the Town will vote to amend the General Bylaws, Article VII, Miscellaneous, by inserting a new Section 13, to read:

SECTION 13: SWIMMING POOLS

Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading or bathing purposes and having a depth of at least two (2) feet and a capacity of at least two hundred (200) cubic feet in volume, shall be subject to the following requirements:

1. Every outdoor swimming pool shall be completely surrounded at all times, whether or not filled with water, by a fence or wall not less than four (4) feet in height; unless the pool wall itself is four (4) feet or more above grade at all points.
2. Every such fence, wall, door or gate shall be constructed as not to have openings, holes or gaps larger than two (2) inches in a horizontal dimension and four (4) inches in a vertical dimension or shall be otherwise designed, constructed and maintained to be non-climbable by small children. The wire sizes for all fences and doors fabricated with wire mesh shall not be less than No. 16 wire. The gates or door openings in the fence shall be at least of the same height and construction as the fence or wall and shall be equipped with a self-closing and self-latching device located at least four (4) feet above the underlying ground and inaccessible from the outside to small children. Every gate or door shall be kept locked at all times when the swimming pool enclosure is not in use.
3. All ladders used to gain access to above ground pools shall be removed or placed so as not to allow entrance by small children when the pool is not in use. No permanent

ladders may be attached to above ground pools on the outside unless the pool is surrounded by a separate fence as specified above.

; or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

ARTICLE 28. To see if the Town will vote to amend the General Bylaws, Article VII, Miscellaneous, by inserting a new Section 14, to read:

SECTION 14 :WILLOW TREES

Any willow tree found growing within fifty (50) feet of any portion of a town maintained drainage system, or within fifty (50) feet of any drainage easement, whether granted to the town by specific deed or included on a definitive plan submitted pursuant to the provisions of the subdivision control law, is hereby declared to be a nuisance, and it shall be unlawful to permit any such willow tree to grow or remain in any such location. It shall be the duty of the tree warden to serve, or cause to be served, notice upon the owner of any premises on which willow trees are permitted to grow in violation of the provisions of this section and demand abatement of this nuisance within thirty (30) days.

;or act in relation thereto.

SUBMITTED BY: **Master Plan Bylaw Review Committee**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 6th day of October, 1998.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

William F. Dalton, Chairman

Stuart G. Weisfeldt, Vice Chairman

Philip Eliopoulos, Clerk

Thomas E. Moran

Michael F. McCall

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 19, 1998:

Thursday, October 22, 1998 at 7:30 p.m.

Monday, October 26, 1998 at 7:30 p.m.

Thursday, October 29, 1998 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Oct 9, 1998

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: South Row School Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, South Row School Gymnasium, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

ANNUAL FALL TOWN MEETING
October 19, 1998

The Annual Fall Town Meeting was called to order by the Moderator Dennis E. McHugh at the Senior Center at 7:35 PM There were 138 Town Meeting Representatives present. The Moderator pointed out the location of the fire exits and went over the voting procedures.

Selectman William F. Dalton moved that the reading of the Constables return of the warrant be waived. **Motion carried, unanimously**.

Selectman William F. Dalton moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

UNDER ARTICLE 1 Selectman William F. Dalton moved that the Town vote to hear reports of the Town Officers and Committees.

Evelyn Thoren, Chairman of the Arts Technology Education Fund explained that the Committee had been established at the Spring Town Meeting of 1996. All private contributions are anonymous. This year there has been two Corporate contributions and the Committee thanks them both, Lockhead/Martin gave $1000. and Process Corporation gave $500. So far there has been a total of $23,000 received in donations, and over $5,000 has been awarded. It had been requested that a brief report be given yearly concerning the awards. The Committee has given out four awards for the 1998-1999 school year:

Christine Morassi (Westlands School), Music Supplies for Listening Resource Center, Brenda O'Brien (Byam), Grade 1 Hands-on Discovery Center, Sue Jamback (Chelmsford Public Charter School), Art Immersion Day, Dr Richard Hentz (McCarthy Middle School Council), McCarthy School Ethics Library. The applications will be available January 4, 1999 and deadline is March 31, 1999. The awards will be done in June of 1999.

The Moderator asked if the Body accepted the report as presented, **motion carried, unanimously.**

UNDER ARTICLE 2. Town Manager Bernard F. Lynch moved that the Town vote to appropriate from free cash $1,000,000 (one million) for the reduction of the tax rate.

The Town Manager explained that this has become a standard practice of the Board of Selectmen and himself. Over the last six years free cash has been used to reduce the tax rate. A total of $3,138,072 in tax relief has been returned to the taxpayers. Free cash is used for items within a budget, such as tax relief, stabilization funds, one time capital costs. The year closed out with $2.7 million dollars in free cash. The amount used in this article will represent a savings of $60-$80 per household during this fiscal year. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 3. Town Manager Bernard F. Lynch moved that the Town vote to transfer from Free Cash $750,000 to the Stabilization Fund.

The Town Manager explained that this is part of the Financial plan as presented in the past. It is part of the overall formula used to fund present and future projects. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 4. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $518,670 to the Stabilization Fund.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 5. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $7880. to pay bills of previous fiscal years.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 6. Town Manager Bernard F. Lynch moved that the Town vote to rescind Article 15 of the Fall Town Meeting of October 20, 1997 which established an Enterprise Fund in accordance with G.L. c.44, Section 53 F ½ for the operation of the Tully Forum.

The Town Manager explained that this is a housekeeping article. The Town had assumed that it would get full ownership of the skating rink and run as a separate entity outside of the general funds through a enterprise fund. However, when the State Legislation was passed in the Spring a revolving fund was incorporated as part of the wording to be used for the next twenty years. Therefore the $200,000 which had been voted to fund the enterprise account had been rolled back into free cash at the close of FY1998. There is no money in the account and the books need to be eliminated. There is a lease agreement with Facility Management Corporation who must provide a minimum of $50,000 to the Town each year for the right to operate the facility. They must also contribute $25000 to $30,000 for capital improvements. This facility will run much like the golf course. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 7. Town Manager Bernard F. Lynch moved that the Town vote to transfer from Free Cash $94,979 to the School Department, said funding coming from Medicaid reimbursements.

The Town Manager explained that this is money tracked down for reimbursement for cost of special education programs. The agreement in the past is that the School Department keeps track of the records. When reimbursement comes through, the money is transferred to their budget for school programs. . The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 8. Town Manager Bernard F. Lynch moved that the Town vote to amend the Fiscal Year 1999 operating budget under Article 2 of the Annual Town Meeting held on April 27, 1998 as follows:

Increase Line Item #2, Municipal Administration Expenses, by $40,000

Increase Line Item #3, Chelmsford School Department, by $118,000

Increase Line Item #8, Public Works Expenses, by $50,000

Increase Line Item #12, Community Services Personnel Services, by $15,000

And that the Town raise and appropriate $223,000 to defray such changes.

The Town Manager explained that at each Fall Meeting an article is presented that reflects an adjustment to the budget. This is due to a better sense of the needs within the budget. He further explained that the $40,000 was needed to upgrade the Assessors software to make compatible to the year 2000. This is recommended by the Auditors and the Insurance Company. The $118,000 was the money needed by the School Department to fund increase enrollment. This amount was agreed to after justification of figures was presented. The $50,000 was for the construction of 38 additional parking spaces at Roberts Field. There is a potential safety hazard being created because of the lack of parking. Cars are parking on the street and at the Fire Station. This should be addressed now rather than later as a capital expenture item. The $15,000 was for the Recreation Department. Presently there is one full-time and one part-time employee. This additional money would allow the part-time clerical to become full-time. Due to the future expansion of a youth center and the extensive programs being offered there is a need for this additional position. The Finance Committee recommended only the first two items. They did not recommend the parking lot and clerical money. The Board of Selectmen recommended the entire article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 9. Selectman William F. Dalton moved that the Town vote to acquire by purchase, gift, eminent domain, or otherwise, the properties located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Chelmsford Center Project 05809, prepared by Vanasse Hangen Brustlin, Inc.," a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference, for the purpose of Central Square Improvements; and to vote to raise and appropriate $3,000 for said acquisitions.

The Town Manager explained that there has been an on going study project to improve Central and Vinal Squares and Drum Hill area. This article is based on the results of a Committee that was formed a few years ago of residents, business owners and Town Officials to develop a plan of traffic improvements for Central Square. The cost of the improvements is $1.3 million dollars, which the Town received a grant for in that amount from the State. And an additional $600,000 grant from the Department of Transportation for beautification was received today. This will be used for brick type sidewalks, lamps. There are three areas that need to be addressed. The areas in front of the Fiske House, Texaco Gas Station/ Block Hotel need to be taken for road widening work.. And an area in front of the Unitarian Church for improved street parking. Hopefully these lands would be donated. They measure approximately 3-5 feet in width and run 20-30 feet long. 25% of the design work has been approved by the State. Now the next step is to go to the Historic District for fine tuning and imput. Overall it is a good plan and he asked the body to support it. Leslie Matthews questioned the time frame . The Manager explained that it should start a year from now and take approximately 12-15 months. The road work is minimal, most of the time involved will be due to the traffic lights installation. The

Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 10. Selectman William F. Dalton moved that the Town vote to acquire by purchase, gift, eminent domain, or otherwise, a portion of a parcel owned by J.H. Realty Trust III, John M. Handley, Trustee, recorded with Middlesex North District Registry of Deeds, Book 7848, page 8, dated January 26, 1996.

The Town Manager explained that this article and the next one are again part of the Central Square beautification plan. The site mentioned in this article is a good site for parking, according to the Town and the present property owner. The property owner is willing to donate the area to the Town and this will allow 35 parking spaces and a small park. The Town will build and maintain the area. Roger Sumner questioned who decided the amount of parking spots to be obtained. He felt that there were quite a few parking spaces in the Boston Road lot right down the street. The Town Manager said that there was a need for parking for the businesses and merchants directly in the Square area. A general lot. Also for future users of the bike path participants. John Wilder questioned if the wetlands and brook adjacent will be effected. The Manager said it would not. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 11. Selectman William F. Dalton moved that the Town vote to accept the provisions of Section 22E of M.G.L. Chapter 166 relative to the removal and replacement of facilities by the Town under a Cooperation Agreement with utility companies to facilitate the depression of overhead utilities in the Chelmsford Center area and further described and shown on a set of plans on file in the office of the Town Engineer and is incorporated herein by reference.

The Town Manager explained that this idea had been before the Body a few years ago and had been turned down. The cost and the necessity played a major factor on why the project didn't pass. However, now it would be part of the plan for improving Central Square. This article would allow the Town to begin negotiations with the utility companies for burying their cables underground. The estimated cost is $4-5 million dollars, this will be funded through the utilities, who will pass the costs onto the users based on the amount of electricity used. The average homeowner will pay roughly $2.00 a month for six to seven years. Businesses would be paying a much higher monthly fee because their usage is higher. The cables that run along the poles will only get bigger and heavier due to the increase in services. Now is the time to decide because the work will be incorporated along with the traffic improvement project for Central Square. The Town will bear the expense of the road work and Police details and paving. Frank Barre questioned if the cost will be $2.00 per utility? No just one monthly fee. Jeff Stallard questioned when Vinal Square would be upgraded. The Manager explained that within a couple of years this Square would be addressed. It's just to costly to do both. Jeff Stallard questioned if any effort had been made to see if any Historical grants were available. Yes, this is an option that is being looked into. Could this be offered by another cable TV company as a bargaining factor in order to obtain the Town's business? Yes it could. Glenn Thoren spoke in favor of the article and asked what type of design lighting would be used. The Manager explained that the street lamps style in Lowell would most likely be recommended, along with the most modern technology in cable. The Manager said that the surrounding towns Andover, Concord, Ayer, and Lexington successfully have done this project. Robert Hall questioned who would monitor the cost that the utility companies will charge. This will be written into the agreement. Kathy

Howe questioned if these cables are buried will curb cuts be allowed along Chelmsford St? Yes it will. The Moderator asked for the recommendation of the article. The Finance Committee recommended the article. The Board of Selectmen voted unanimously to approve the article. Further discussion took place.

Richard Allison wanted to know if a non-binding question could be placed on the Town ballot. John Georgio, Town Counsel said that there is a petition process allowed by Massachusetts General Law which would allow a question to be placed on the ballot as non-binding. Richard Allison felt that this process should be looked into, that way everyone could decide. John Wilder questioned the estimated cost formula. Dennis Ready spoke in favor of the article, citing that it is only going to get more expensive to do the longer the wait. Glenn Thoren said now is the time to do this while doing the traffic lights. Gerald Pacht spoke against the article, he felt that between satellite dishes and cellular towers the use of the cable lines will decrease. It's been proven that electricity cable is more efficient when kept above ground so why bury these cables? Jeffrey Brem urged the Body to vote in favor of the article. He researched and presented the plan back a few years ago and said there are still the same issues regardless of them, now is the time to bury them. George Merrill said that there was no comprehensive plan for this project and there should be. What guarantee would there be that this type of improvement would take place in the other parts of town? Everyone is paying for this section but it may never happen elsewhere. Leonard Richards moved the question. The Moderator asked if there was any need for further debate by way of a show of hands. **The motion carried due to the Moderator recognizing the 2/3's vote by-law.** The Moderator asked for a show of hands on the main motion, **motion carried.**

UNDER ARTICLE 12. Selectman William F. Dalton moved that the Town vote to transfer the care, custody, management and control of the following described parcel of land to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law, Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in a certain portion of a parcel of land shown as Lot 9 on Assessors Map 7, starting at a point on the southeasterly property line of the town-owned land approximately 115 feet from the line of Tyngsboro Road, then northwesterly approximately 5 feet, then northeasterly approximately 30 feet, then southeasterly approximately 5 feet to the property line.

The Town Manager explained that this would allow the transfer of land to the current owners. . The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 13. Selectman William F. Dalton moved that the Town vote to authorize the Board of Selectmen to accept the gift of the following described parcel of land from John Burbuti and Florence T. Barbuti. The subject parcel is held by John Burbuti and Florence T. Barbuti as tenants by the entirety under a deed with quitclaim covenants duly recorded with Middlesex North District Registry of Deeds at Book 1839, Page 355 and appears on a plan prepared by Bradford Saivetz and Associates Inc., Consulting Engineers, entitled "Modification, Old Stage Estates, Chelmsford, Mass." dated January 4, 1965, duly recorded with Middlesex North Registry of Deeds at Plan Book 101, Plan 110; said parcel is shown and identified in said plan as Lot 4186A, and contains 24,180 square feet of land more or less, according to said plan.

The Town Manager explained that the current owner's of this land had gone to the Board of Appeals numerous times to try to obtain a variance and were unsuccessful. They are no longer interested in the land and do not want to pay any taxes on it. Eventually the Town will obtain the land due to non payment of real-estate taxes. There is a cost savings if the land is obtained now by the Town. In the future it could be used as a potential neighborhood park.. Wendy Marcks questioned if it's a buildable lot. It has a slope and is steep. . The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 14. Town Manager Bernard F. Lynch moved to amend the vote taken under Article 11 of the April 27, 1998 Town Meeting to relocate the proposed police station from its existing site at 230 North Road to a portion of the McCarthy Middle School site on North Road and further more to transfer to the Board of Selectmen a portion of said site consisting of 3.5 acres more or less as depicted on a plan entitled "Police Station Site Assessment" prepared by Ross Associates on file in the Town Engineer's Office, to be held for general municipal purposes.

The Town Manager explained that this article is the result of looking at the site as a temporary location for the modular units that would house the Police Station while the renovation construction took place at the present building. It was more feasible to just keep the present building as is and build a new building for the same cost at this new site. A better building will be built which will offer a cellar for more storage and a better layout. An on site firing range will be made available. The entrance and exit will be designed so that there will be no interference to the McCarthy Middle School, overall it is a much better location choice. John Wilder questioned why the Study Committee didn't pick this location in the first place. The Manager explained that the architect firm hired only addressed the site that was given to them to evaluate and work with, which was the present Police station location. They had nothing to do with determining the location. He didn't realize that this site was available, so it wasn't recommended to the Committee for study. He admitted that a mistake had been made and now wanted to correct it before the project moves forward. Jack Fudge asked what would happen to the Drum Hill rotary? The Manager explained that eventually this will be eliminated and improvements made with the plans for widening route 3. The Manager explained that there will be no further costs. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 15. Judith Mallette Chairman of the School Committee moved that the Town vote to raise and appropriate $80,000, to fund a Chelmsford Public Schools Facility Study, further described and shown on a set of plans entitled " District-wide School Facilities Study: Request for Proposals for Architectural and Engineering Services" a copy of which is located on file in the Office of the Superintendent of Schools.

Superintendent of Schools Dr Richard Moser explained the article. It's main purpose was to come up with a plan that will show the future improvements that will be required within the next ten years for the present school buildings. The study includes, but is not limited to , structured and mechanical review of the existing buildings as well as long range enrollment projections and space planning for educational effectiveness. He showed the ages of the present schools in the system. The oldest is the McCarthy middle school built in 1959 and the newest is the High School built in 1972. He estimated that there will be many hours put forth in the study. The Committee will consist of two members of the School Committee, two members of the

Board of Selectmen, two Finance Committee members, two Planning Representatives and the Town Manager. If this article is approved then immediately an architectural firm will be chosen through the bid process, which should take one month. The firm should start December 1st and take three to five months He hopes that the findings will be completed and a report to the Body will be presented at the April 1999 Town Meeting. George Ripsom questioned if at that time it will be expected to vote a certain amount of monies for the improvements, if so that doesn't give much time for the Representatives to evaluate the need. No, the intent is to present a long range plan. James Doukszewicz asked if it will be part of the study to evaluate the administration offices location and needs. Yes, it will because their present location at the High School along with some preschool classes enter into the future space availability question of the High School classes. The Finance Committee was in favor of the article. The Board of Selectmen were in favor of the article. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 16. The Moderator read the article. I move that the Town vote to maintain grinder pumps for all single family homes in the Town of Chelmsford.

The Moderator explained that no action will be taken because the petitioner had withdrawn this article after consulting with Town Counsel about the legal aspects involved.

UNDER ARTICLE 17. Town Manager Bernard F. Lynch moved that the Town vote to authorize the revolving fund under Massachusetts General law c. 44, sec. 53E ½ for the Board of Health for Fiscal Year 1998. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Hepatitis B program. The Board of Health shall be authorized to spend money from the fund for the purpose of acquiring supplies and materials necessary for implementing a Hepatitis B program. Expenditures from the Hepatitis B Revolving Fund shall be limited to $7,500 during Fiscal Year 1998.

The Town Manger moved to amend the figure to read $3,500. He was advised by the Board of Health that this was the amount needed. The Finance Committee recommended the amended figure. The Board of Selectmen were in favor of the motion. The Moderator asked for a show of hands, **motion carried to amend unanimously.** The Moderator asked for a show of hands on the main motion as amended, **motion carried, unanimously.**

UNDER ARTICLE 18. Selectman William F. Dalton moved that the Town vote to establish a special fund as provided in Chapter 59 of the Acts of 1998 for the purpose of celebrating the years 2000 and 2001.

The Town Manager explained that this would allow the Town to set up a fund which will be used to receive gifts, donations and allow for sale of commemorative items with the proceeds being put back into the fund for celebrating the millenium. It was asked if this fund could be used for the future celebration of the Town's 350th birthday. Yes it can. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 19. Selectman William F. Dalton moved that the Town vote to acquire by purchase, gift, eminent domain, or otherwise, property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Exhibit A: Showing proposed taking for roadway purposes at 56 Concord Road, dated September 1998,"

a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference.

The Town Manager explained that through an approved Planning Board project an offer was made by the Developer to improve the roadway conditions of this area. Due to the present road layout, speed is a major safety issue. The improvements would cut down the speed factor tremendously. Leslie Matthews questioned the layout. The Manager showed on the view graph the proposed new route the traffic would take on Hazen Rd prior to entering Concord Rd. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 20. Selectman William F. Dalton moved that the Town vote to release a portion of a drainage easement located in the Town of Chelmsford, said portion totaling 150 square feet, more or less, and further described and shown on a set of plans entitled "Exhibit A: Showing easement area released at 12 Charlemont Court, dated September 1998," a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference.

The Town Manager explained the article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 21. Sewer Commissioner John P. Emerson Jr. moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easement in Chelmsford, Massachusetts, Westview Avenue Phase IIIC Sewers" dated October 1998, prepared by Richard F. Kaminski & Associates, Inc., a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference, for purposes of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and for paying any damages which may be awarded as the result of any such taking.

John Emerson Jr. Chairman of the Sewer Commission explained that this article is a standard housekeeping article needed in order to continue the ongoing sewer project being done in the Town. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

Selectman William Dalton moved that the Town Meeting adjourn until Thursday October 22, 1998 at 7:30 PM at the Senior Center on Groton Road. The Finance Committee recommended the motion. The Board of Selectmen recommended the motion. The Moderator asked for a show of hands, **motion carried, unanimously.** The meeting adjourned at 10:10 PM.

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

ADJOURNED ANNUAL FALL TOWN MEETING
October 22, 1998

The Adjourned Annual Fall Town Meeting was called to order by the Moderator Dennis E. McHugh at the Senior Center at 7:40 PM There were 143 Town Meeting Representatives present. The Moderator stated that prior to beginning any action under article 22, he requested that Robert Morse come forward and present a summary addressing all the zoning articles at this time.

Robert Morse, Chairman of the By-law Review Committee named the other members of the Board. Sue Carter, current Chairman of the Planning Board. Eileen Duffy of the Board of Appeals, Tracy Wallace-Cody, Planning Board member and Vice Chair of this Committee. And Andrew Sheehan, Community Developer, Land Use Co-ordinator. This Committee is the result of the Master Plan Implementation Comprehensive Plan, whose members had brought to the Body at prior meetings various articles concerning the improvement of the zoning by-law. The Committee has been working on this review since 1997. Andrew Sheehan had applied for and received a $25,000. Municipal Incentive grant from the Mass Dept of Housing and Community Development in the fall of 1997. In December the Committee went out through the bid process and secured Attorney Mark Bobrowski as their consultant to the project. The Committee asked for imput from all the Town boards. Then in February through July of 1998 the Committee reviewed the By-law section by section with the consultant. A public hearing was held before the Planning Board on September 9th and ran for three sessions. The result of this process is the complete re-codification of the zoning by-law which now complies fully with State law. It also has added new sections which address landscaping, erosion control, rear lot development and home occupation. There are no zoning boundary changes or no new types of zones. The zoning by-law is broken up into five articles and he cited the purpose of each. Article 22 reflects no substantial change to the by-law. Article 23 complies with the State statues Article 24 moderately revises the by-law to meet Master Plan goals. Article 25 extensively revises the by-law to meet Master Plan goals. Article 26 address the new sections being proposed

The Moderator explained that the Body needed to give permission for non-resident Attorney Mark Bobrowski, Consultant to the By-law Review Committee to speak. The Moderator asked for a show of hands, **motion carried, unanimously.**

Robert Morse moved to take articles 27 and 28 out of order to consider them in advance of article 22.

Andrew Sheehan explained that these articles presently exist in the zoning by-law and the Committee has been advised by their consultant Mark Bobrowski to place them in the general by-laws. No wording has been added or changed, only their location of reference. The Moderator asked for the Finance Committee's recommendation. The Finance Committee approved taking the two articles out of order. The Board of Selectmen recommended taking the two articles out of order. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 27. Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the General Bylaws, Article VII, Miscellaneous, by inserting a new Section 16, to read:

SECTION 16: SWIMMING POOLS

Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading or bathing purposes and having a depth of at least two (2) feet and a capacity of at least two hundred (200) cubic feet in volume, shall be subject to the following requirements:

1. Every outdoor swimming pool shall be completely surrounded at all times, whether or not filled with water, by a fence or wall not less than four (4) feet in height; unless the pool wall itself is four (4) feet or more above grade at all points.
2. Every such fence, wall, door or gate shall be constructed as not to have openings, holes or gaps larger than two (2) inches in a horizontal dimension and four (4) inches in a vertical dimension or shall be otherwise designed, constructed and maintained to be non-climbable by small children. The wire sizes for all fences and doors fabricated with wire mesh shall not be less than No. 16 wire. The gates or door openings in the fence shall be at least of the same height and construction as the fence or wall and shall be equipped with a self-closing and self-latching device located at least four (4) feet above the underlying ground and inaccessible from the outside to small children. Every gate or door shall be kept locked at all times when the swimming pool enclosure is not in use.
3. All ladders used to gain access to above ground pools shall be removed or placed so as not to allow entrance by small children when the pool is not in use. No permanent ladders may be attached to above ground pools on the outside unless the pool is surrounded by a separate fence as specified above.

Andrew Sheehan explained that this already exists as section 4120 this just puts it into the General By-law. Questions were asked concerning the fencing material and purpose. The Moderator asked for the various recommendations. The Finance Committee said that they felt they had no expertise on the subject therefore they had no recommendation. The Board of Selectmen recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 28. Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the General Bylaws, Article VII, Miscellaneous, by inserting a new Section 17, to read:

SECTION 17 :WILLOW TREES

Any willow tree found growing within fifty (50) feet of any portion of a town maintained drainage system, or within fifty (50) feet of any drainage easement, whether granted to the town by specific deed or included on a definitive plan submitted pursuant to the provisions of the subdivision control law, is hereby declared to be a nuisance, and it shall be unlawful to permit any such willow tree to grow or remain in any such location. It shall be the duty of the tree warden to serve, or cause to be served, notice upon the owner of any premises on which willow trees are permitted to grow in violation of the provisions of this section and demand abatement of this nuisance within thirty (30) days.

Andrew Sheehan explained that this currently exists as a Zoning By-law. This would move the law to the General By-laws. If passed the only change will be who the enforces the by-law. Currently it is the Building Inspector. Once this is put into the General By-law then the Tree Warden will be the enforcer. The Moderator asked for questions, hearing none he asked for the recommendations. The Finance Committee had none. The Board of Selectmen

recommended the article. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 22. Barry Bell moved that the reading of the article be waived, **motion carried, unanimously.** Susan Carter Chairman of the Planning Board explained that the members of the Committee would go through the articles briefly. They would discuss and highlight the changes. They are fully prepare to answer any questions. They may use in some instances current projects, not doing this to single out anyone just to make it easier to understand.

Susan Carter explained that this article is strictly clarification that addresses Chelmsford's character. There are new parking requirements for multifamily housing. Home Occupations are being addressed. Allowing the permit expiration to be increased from one year to two years. Under Facilitated and Independent Living age restriction is being eliminated for Assisted Living. Units per acres for Facilitated Living is being increased and Senior or Elder age definition is being lowered from 62 to 60. Questions were asked by the Representatives concerning existing structures, parking, home occupations. It was explained that home occupations are not allowed without Board of Appeal approval. This change would allow some uses to be allowed by right. A person who has a business in the home and does not have the public coming to it would be allowed to conduct the business. If however, the public does go to the home then the business owner must get a special permit. The reasoning is that parking and traffic now become and issue which could be an impact on the neighborhood. George Merrill questioned the term by-law and regulations .Andrew Sheehan explained that these are the regulations of the By-law. The Moderator asked for the recommendations. The Finance Committee had none. The Board of Selectmen recommended the article. Susan Carter Chairman of the Planning Board gave the Board's recommendation. The Planning Board held a Public hearing on September 9, 1998 on Articles 22 to 26 after advertising a legal notice in the Lowell Sun on August 25, 1998 and September 1, 1998, a minimum of 14 days before the before the hearing. A copy of the ad was sent to all abutting towns and the appropriate agencies, as required in the Massachusetts General Law, Chapter 40A, Section 5. At the meetings on September 9th, 16th and 23rd, the proponents, residents and the Planning Board discussed the merits of these proposed zoning by-laws. It is the opinion of the Planning Board that the proposed zoning by-laws will provide more clarity, will comply with state statues and the Master Plan goals and will provide for the future development of the Town. Therefore, in keeping with the general intent of the zoning by-law in the development of the community, the Planning Board voted (5-1) to recommend the proposed zoning by-laws.

George Merrill moved that the word "These regulations are" in Article 1 Purpose be changed to "This by-law is."

The Finance Committee had no recommendation. The Board of Selectmen recommended the motion. The Moderator asked for a show of hands on the motion to amend. **Motion carried.**

Robert Hall moved to refer to a committee of Town Meeting Representatives (one from each precinct) to be elected by precinct representatives at the end of Town Meeting. Said Committee to make recommendations to the Planning Board.

The Finance Committee does not recommend the motion. The Board of Selectmen do not recommend the motion. William Curry asked Andrew Sheehan how many mailings were sent to the Town Meeting Representatives? Two separate mailings, the first on August 27th. How many attended the meetings? Approximately six at the first and one dozen at the second. William Curry felt that the article shouldn't be tabled. Sufficient notice was given. If the

Representatives didn't attend the meetings or study the book that was available for the last ten days, why would the Body feel that they would study in the future? Elizabeth Marshall spoke against the motion. Peter Lawlor felt that these article have been well thought out and discussion ask that the motion be defeated. John Coppinger these people have worked diligentleyWorked dedicated for the past year, defeat the motion and vote for the article. The Moderator asked for a show of hands on the motion to send the article to Committee. **Motion defeated**. Kathy Howe spoke about the off street parking in residential areas. She felt that clarification should be made in order to exempt residential parking spaces on a residential home otherwise 90% of the homes will be considered illegal based on the by-law because the driveway or parking garage can be on a sideline. It needs to refer to certain zones and not all zones. Susan Carter said that this is not the intend. It is identical to the existing by-law. Kathy Howe moved to amend 3151 by adding the following sentence at the end of the section. This section shall not apply to single and two family residential uses. A discussion took place. George Ripsom spoke against the motion. Howard Hall spoke against the motion. The Moderator asked for a show of hands on the motion to amend. **Motion defeated.** The Moderator asked for a vote by way of a show of hands of the main motion as amended, he declared the **motion carried, by recognizing the 2/3's vote by-law.**

The article reads as follows:
Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the Chelmsford Zoning Bylaw by:

A. deleting existing Section 1100, regarding title, authority and purpose from the Zoning Bylaw and substituting therefor a new Article I;

Article I. Purpose.

This by-law is enacted to promote the general welfare of the Town of Chelmsford, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by the provisions of the Zoning Act, G.L. c. 40A, as amended, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

deleting existing Section 1300 regarding Board of Appeals and substituting therefor a new Section 5200;

5200. BOARD OF APPEALS.

5210. Establishment. The Board of Appeals shall consist of five (5) members and three (3) associate members, who shall be appointed by the Town Manager.

5220. Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

5221. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 5300, or as otherwise specified.

5222. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances.

5223. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

5224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

deleting existing Section 1600 regarding amendments to the Bylaw and substituting therefor a new Section 5500;

5500. AMENDMENTS.

This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

deleting existing Section 1800 regarding applicability and substituting therefor a new Section 5600;

5600. APPLICABILITY.

5610. Other Laws. Where the application of this By-Law imposes greater restrictions that those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

5620. Conformance. Construction or operations under a Building Permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

deleting existing Section 1900 regarding validity and substituting therefor a new Section 5700;

5700. SEPARABILITY.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

B. deleting existing Section 2100 regarding establishment of districts and substituting therefor a new Section 2100;

2100. DISTRICTS.

2110. Establishment. For the purposes of this By-Law, the Town of Chelmsford is hereby divided into the following districts:

RA – Residential A District. These are the lowest density single-family residence districts.

RB – Residential B District. These are low-density single-family residence districts.

RC – Residential C District. These are medium-density general residence districts.

RM – Residential Multifamily District. These are high-density residence districts.

CA – Neighborhood Commercial District. These are commercial districts for neighborhood areas.

CB – Roadside Commercial District. These are general commercial districts which are high traffic generators. Included are such uses as automotive repair, open lot sales, wholesale business, retail and offices and so on.

CC – Shopping Center District. These are commercial districts designed to allow the clustering of stores, offices and so on around a central parking area. These are high traffic generators usually located on major roads.

CD – General Commercial District. These are primarily retail, commercial offices, restaurants and entertainment commercial uses excluding repair, open lot sales, wholesale and storage uses. These uses are usually located along existing major traffic thoroughfares.

CX – Adult Entertainment District. This is a commercial district created for adult entertainment establishments and other permitted uses as defined by this by-law.

IA – Limited Industrial District. These are areas that are primarily used for office, research development, manufacturing and warehousing.

IS – Special Industrial District. This district is suited for heavy industrial and storage.

P – Public District. These are lands owned or leased by federal, state or municipal governments for governmental purposes.

OS – Open Space District. These are privately owned lands used for open space.

RMH – Residential Mobile Home District. This is a district for mobile homes.

"Overlay" districts are also hereby created, as follows: CX, Aquifer Protection, Floodplain.

2111. Official zoning map. The districts set forth above are shown on the official zoning map, which, together with all explanatory material thereon, is hereby adopted by

reference and declared to be part of this by-law. The official zoning map shall be identified by the signature of the chairman of the Planning Board, and attested by the town clerk bearing the seal of the town. The official zoning map is included as originally dated May, 1963, and as most recently amended.

2120. Rules for interpretation of zoning district boundaries. Where uncertainties exist as to the boundaries of districts as shown on the official zoning maps the following shall apply:

2121. Where the boundary lines as shown upon said map as approximately following the street lines, of public and private ways or railways, the centerlines of such ways shall be the boundary lines.

2122. Where the boundary lines are shown approximately on the location of property lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

2123. Boundary lines located outside of street lines are shown approximately parallel thereto shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street lines are the distance in feet of such boundary lines from such street lines; such distances being measured at right angles to such street lines unless otherwise indicated.

2124. In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of the map.

2125. Where the district boundary line follows a stream, lake or other body of water, said boundary line shall be construed to be at the thread or channel of the stream; or at the limit of the jurisdiction of the Town of Chelmsford, unless otherwise indicated.

2126. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations of any district in which the lot has frontage on a street may be extended by special permit from the Board of Appeals not more than thirty (30) feet into the other district.

2127. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances not covered by the above subsections, the Board of Appeals shall interpret the district boundaries.

deleting existing Section 2510 regarding intensity of use related to buildings and substituting therefor a new Section 2310;

2310. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute (see G.L. c. 40A, s.6).

deleting existing Section 2520 regarding lot change and substituting therefor a new Section 2311;

2311. Lot change. No existing nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, utility improvements or except where otherwise permitted herein, so as to increase the degree of nonconformity that presently exists.

deleting existing Section 2540 regarding accessory buildings and substituting therefor a new Section 2330;

2330. Accessory buildings. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard area. A detached accessory building may be located in the rear yard areas and on the same lot as a principal building, provided that not more than twenty-five (25) percent of the required yard area shall be so occupied, and further provided that an accessory building shall not be located nearer than ten (10) feet from the principal building and at least ten (10) feet from any side or rear lot line. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.

deleting existing Section 2550 regarding multiple principal buildings on a lot and substituting therefor a new Section 2340;

2340. Multiple Principal Structures. Except in the residential districts, more than one principal nonresidential structure may be erected on a lot, pursuant to a special permit issued by the Planning Board in accordance with Section 5300 herein and the following conditions:

2341. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

2342. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

2343. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

deleting existing Section 2560 regarding conversion of dwelling units and substituting therefor a new Section 2350;

2350. Conversion of dwelling units. Alteration of a single-family dwelling existing at the time of adoption of this by-law (3/14/38), for occupancy by not more than two (2) families, is permitted, in accordance with section 2200 of this by-law, provided that the lot contains not less than fifteen thousand (15,000) square feet; that the exterior design of the structure is not changed from the character of a single-family dwelling; and provided further that at least six hundred (600) square feet of living space shall be provided for each resulting dwelling unit.

deleting existing Section 2700 regarding the floodplain district and substituting therefor a new Section 4300;

4300. FLOODPLAIN DISTRICT.

4310. Purpose. The purposes of this district are:
(a) To provide the lands in the Town of Chelmsford subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupants thereof.
(b) To protect, preserve, and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the Town of Chelmsford.
(c) To assure the continuation of the natural flow of the water course(s) within the Town of Chelmsford in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

4320. Floodplain district and floodway district boundaries. The floodplain district and floodway district is herein established as an overlay district. The underlying permitted uses are allowed provided they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The floodplain district and floodway district includes all special flood hazard areas designated on the National Flood Insurance Program, Flood Insurance Rate Map for the Town of Chelmsford, prepared by the U.S. Dept. of Housing and Urban Development, Community Panel Number 250188 0005B-0015B dated June 4,1980 on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission. These maps as well as the accompanying Chelmsford flood insurance study, dated December, 1979, are incorporated herein by reference.

4330. Base Flood Elevation and Floodway Data.

4331. Floodway Data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the map entitled " Chelmsford Floodplain and Floodway District Map, 1980" prepared by O'Connell and Associates shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. This map is incorporated herein by reference.

4332. Base Flood Elevation Data.
Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4340. Notification of Watercourse Alteration.
Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

a. Adjacent communities

b. Bordering States

c. NFIP State Coordinator
Massachusetts Office of Water Resources

100 Cambridge Street
Boston, MA 02202

d. NFIP Program Specialist
FEMA Region I, Room 462
J. W. McCormack Post Office and Courthouse
Boston, MA 02109

4350. District use regulations.

4351. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non- structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, " Flood Resistant Construction");

b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

c. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);

d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

4352. In the floodplain district no new building shall be erected or constructed and no existing structure shall be altered, enlarged or moved; no dumping, filling, or earth transfer or relocation shall be permitted; nor any land, building, or structure used for any purposes except:

a. Conservation of water, plants, and wildlife.

b. Outdoor recreation, including play areas, nature study, boating, fishing and hunting, where otherwise legally permitted, but excluding buildings and structures.

c. Noncommercial signs (as permitted in the residential districts), wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern of watercourses.

d. Grazing and farming, including truck gardening and harvesting of crops.

e. Forestry and nurseries.

4360. Floodway Regulations. In the floodway, designated on the Chelmsford floodplain and floodway district map, the following provisions shall apply:

4361. All encroachments including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one- hundred-year flood.

4362. Any encroachment meeting the above standard shall comply with the floodplain requirements of the state building code.

4363. If a property owner questions the location of a floodplain or floodway district, the owner may engage at his own cost a registered licensed surveyor with the approval of the town engineer to determine if the land in question is within the floodplain or floodway district. The landowner shall be responsible for the cost for this determination. The Board of Appeals, in consultation with the Town Engineer, shall decide whether or not to accept the surveyor's determination.

4364. No new building or portion thereof located within the Floodplain District shall be allowed to connect to the municipal wastewater system or to a private wastewater system that discharges to the municipal wastewater system.

4365. The portion of any lot within the area delineated in subsection 4320 above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated.

4370. Exemptions. In the floodplain district, the Board of Appeals may grant a special permit for exception for uses or structures in addition to those allowed under section 4350, subject to the following:

a. The applicant has referred the request to the Planning Board, the Town Engineer, the Board of Health, and the Conservation Commission for review and recommendation as provided in Section 11, Chapter 40A, M.G.L.;

b. The land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrologic and/or topographic conditions;

c. The proposed use will not be detrimental to the public health, safety, and welfare; and

d. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located; and,

e. Any loss of floodplain or floodway shall be compensated for at a similar elevation within the same local watershed.

C. deleting existing Section 3100 regarding off street parking and loading and substituting therefor a new Section 3100;

3100. OFF-STREET PARKING AND LOADING.

3110. General Parking Requirements.

3111. Adequate off-street parking must be provided to service all parking demand created by the new structures, additions to existing structures, or changes of use. Existing buildings and uses need not comply unless expanded or otherwise changed to increase their parking needs.

3112. In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below will be met for the new demand without counting existing parking necessary for pre-existing remaining uses.

3113. Common parking areas may be permitted for the purpose of servicing two (2) or more principal uses on the same or separate lots, provided that:

a. Evidence is submitted that parking is available within five hundred (500) feet of the premises, which lot satisfies the requirements of this by-law and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by competent parking survey conducted by a traffic engineer registered in the Commonwealth of Massachusetts.

b. A contract, agreement, or suitable legal instrument acceptable to Chelmsford's town counsel, shall be filed with the application for building permit, occupancy permit, or special permit for exception which shall specify the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking.

c. Any reduction in area required for parking because of these joint use provisions shall be reserved in landscaped open space. Such area shall be computed at the rate of four hundred (400) square feet per parking space.

d. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this by-law if subsequently the joint use of parking facilities shall terminate.

3120. Number of Spaces. For the purpose of computing the parking requirements of different uses, the number of spaces required shall be the largest whole number obtained after increasing all fractions upwards to one. Employees shall include the largest number of owners, managers, full and part-time workers and volunteers that may be normally expected on the premises during any single shift or portion thereof. The number of seats in benches, pews, or other continuous seating arrangements shall be calculated at twenty (20) inches for each seat. The following minimum parking requirements shall apply to uses as listed below:

USE	NUMBER OF SPACES

Stores, retail business, and services	One (1) space per two hundred (200) square feet of net leasable floor area or a minimum of at least three (3) spaces per establishment
Banks, libraries, and post offices	One (1) space per one hundred (100) square feet of floor area devoted to public use, plus one (1) space per employee
Bowling alleys	Four (4) spaces for each alley
Business and professional offices, office buildings, and office of a wholesale establishment including sales space	One (1) space per two hundred (200) square feet of net floor area
Medical and dental offices and clinics	One (1) space per two hundred (200) square feet of net floor area
Restaurants, lounges, and function rooms	One (1) space per employee on the largest shift and one space per two and one-half (2.5) seats based on the maximum rated legal seating capacity of the facility
Fast food establishment	One (1) space per fifty (50) square feet of net floor area
Adult entertainment establishment	One (1) space per employee on the largest shift and one (1) parking space for each 1.25 persons allowed for said establishment's seating capacity
Theater, funeral home, and places of assembly	One (1) space for each four (4) seats or for each fifty (50) square feet of assembly area, whichever is greater
Hotels, motels, and tourist homes	One (1) space per guest room, plus one (1) space per employee, plus a number of spaces as required elsewhere herein for restaurants, assembly halls, function rooms, shops and similar functions if occurring on the premises
Non-family accommodation	One (1) space per two (2) persons accommodated
Nursing and convalescent homes	One (1) space for each three (3) beds, plus one (1) space for each employee serving on the shift having the greatest number of employees, plus one (1) space for each visiting staff
Clubs, lodges and association buildings	One (1) space per three (3) memberships

Lumber and building material yards, nurseries, and outdoor sales	One (1) space per two hundred (200) square feet of net floor area and one (1) space per one thousand (1,000) square feet of outdoor or bulk sales area
Manufacturing, truck terminals, wholesale establishments, public utility buildings other than their business office, warehouses and similar uses not normally visited by the general public	One (1) space per two hundred (200) feet of net floor area. Provided, however, that the Inspector of Buildings may waive the actual construction of said space to no less than one (1) space per one and four-tenths (1.4) employees, plus one (1) space for each vehicle used in the operation upon issuance of a building permit or occupancy permit
Facilitated Living Facility	One space for each employee on the shift having the greatest number of employees, plus one (1) space for each visiting staff person. When on site parking for the facility's residents is permitted, the parking requirement is eight tenths (8/10) space per room. When on site parking for the facility's residents is not permitted, the parking requirement is one (1) space for each three (3) beds. The site must support the potential for meeting the parking requirement for "Business and professional offices" in the event of a building conversion, and shall be shown on the site plan as potential future parking.
Single-family and two-family dwelling	Two (2) spaces per dwelling unit for units with two (2) or more bedrooms
Multi-family dwelling	One (1) space per dwelling unit for one bedroom; two (2) spaces per dwelling unit for units with two (2) or more; plus one space per every three units or fraction thereof.
Home occupations	In addition to the spaces required for the dwelling, one (1) space for the nonresident employee.
Any other nonresidential use, or any use involving a combination of functions similar to or listed herein	A number of spaces as determined by the Inspector of Buildings by application of the ratios above

3121. The requirements of Section 3120 may be reduced on special permit by the Planning Board if a property owner can demonstrate to the satisfaction of the board that the required number of spaces will not be needed for the proposed use, and that fewer spaces meet all parking needs. Such cases might include:

a. Use of a common parking lot for separate uses having peak demands occurring at different times;

b. Age or other characteristics of occupants which reduce their auto usage;

c. Peculiarities of the use that make usual measures of demand invalid.

d. The area necessary for the reduced spaces is available on the lot.

3122. Waived Parking Build-out. If anytime after the property is in use, the Planning Board or the Inspector of Buildings determines that a need exists for the additional spaces that were waived under Section 3121, the Planning Board may require that these spaces be constructed.

3130. Size of Parking Spaces. Parking spaces shall be no less than eight and five-tenths (8.5) feet in width and nineteen (19) feet in length.

3140. Off-Street Loading. All buildings, requiring the delivery of goods, supplies, or materials, or shipments of the same shall have bays and suitable maneuvering space for off-street loading of vehicles in accordance with the following:

3141. Retail stores and services. For each establishment with a net floor area from five thousand (5,000) to eight thousand (8,000) square feet, at least one (1) berth. Additional space is required at the rate of one (1) berth per eight thousand (8,000) square feet or nearest multiple thereof. Where two (2) or more such establishments are connected by a common wall such as in a shopping center, common berths may be permitted for the use of all establishments at the rate of one (1) berth space per eight thousand (8,000) square feet in the entire shopping center.

3142. Office buildings. For each office building with net area of four thousand (4,000) square feet or more, at least one (1) berth shall be provided.

3143. Manufacturing industrial warehousing. For manufacturing, industrial warehousing and similar uses up to eight thousand (8,000) square feet of net floor area, at least one (1) berth shall be provided. For larger floor areas, additional berths shall be provided as required by the Inspector of Buildings adequate for off-street loading and unloading.

3144. Loading areas shall provide screening in accordance with Section 3500.

3145. Loading bays shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space. Required off-street loading bays and maneuvering spaces shall be located entirely on the same lot as the building being served.

3150. Parking and Loading Area Design and Location.

3151. No off-street parking area shall be located within ten (10) feet of a property line, within twenty (20) feet of a street right-of-way, or in any required yard adjacent to a residential or institutional use.

3152. Sidewalks are required within the site where necessary for safe pedestrian access and circulation. There shall be a marked pedestrian aisle at each entrance to the building served by the parking lot.

3153. Parking spaces more than five hundred (500) feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless the Planning Board determines that circumstances justify this greater separation of parking from use.

3154. All required parking areas except those serving single-family residences shall be paved, unless exempted on special permit from the Planning Board for cases such as seasonal or periodic use where unpaved surfaces will not cause dust, erosion, hazard, or unsightly conditions.

3155. Parking areas for five (5) or more cars shall not require vehicles to back onto a public way.

3156. Parking areas for ten (10) or more cars shall provide screening in accordance with Section 3500.

3157. No dead end aisle shall exceed five (5) parking spaces in width.

3158. Continuous curbing shall be provided to control access, drainage and damage.

3159. Curb stops, planting strips or other means shall be provided to maintain a minimum usable sidewalk width of four feet or the minimum width required by the Americans with Disabilities Act.

3160. Parking Areas with Twenty or More Spaces. The following shall apply to entrances or exits to all parking areas with twenty (20) or more spaces:

3161. Entrance or exit center lines shall not fall within fifty (50) feet of an intersection of street sidelines or within one hundred fifty (150) feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving twenty (20) or more spaces. Uses shall arrange for shared egress if necessary to meet these requirements.

3162. Egressing vehicles shall have four hundred (400) feet visibility in each travel direction.

3163. Street entrances shall be designed consistent with Massachusetts DPW Traffic Regulations, section 10A-9 or subsequent revisions.

3164. An appropriate area for snow storage after plowing shall be provided on the premises.

3170. Parking Garages. An application for a special permit for a parking garage shall require the submission of a site plan in conformance with Section 5400. No parking garage shall exceed

three (3) stories in height (thirty-five (35) feet), and when taken in consideration with the principal structure, shall not exceed the lot coverage for the applicable zoning district.

deleting existing section 3300 regarding signs and outdoor lighting and substituting therefor a new Section 3300;

3300. SIGNS AND OUTDOOR LIGHTING

The following sign regulations are intended to serve these objectives: (a) to facilitate efficient communication to ensure that people receive the messages they need or want; (b) to promote good relationships between signs and the visual qualities of their environs and the buildings to which they relate; (c) to maintain visual diversity within commercial areas by avoiding requirement of uniformity; and (d) to support business vitality within nonresidential zones by accomplishing the above objectives without burdensome procedures and restrictions.

3310. General Regulations.

3311. Permits. No sign shall be erected, enlarged or structurally altered without a sign permit issued by the Building Inspector, with the exception of unlighted signs one (1) square foot or smaller and temporary construction signs less than twelve (12) square feet in area. Temporary unlighted real estate signs require no sign permit if erecting agent has obtained a one-year permit from the Building Inspector for erecting such signs.

3312. Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector and in accordance with sections 1404.0 and 1405.0 of the State Building Code.

3313. Nonconforming Signs. Any sign legally erected may be continued and maintained despite being made nonconforming through change in the zoning by-law, except that no off-premises signs may be maintained after June 1, 1980. Any sign rendered nonconforming through erection of additional signs on the premises or through change or termination of activities on the premises shall be removed within thirty (30) days of order of the Building Inspector. No existing sign shall be enlarged, reworded (unless equipped with movable letters), redesigned, or altered in any way except in conformity with the provisions contained herein. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of the destruction shall not be repaired, rebuilt, restored, or altered unless in conformity with this by-law.

3314. Identification. All signs approved by the Building Inspector will have an identifying number affixed to the face of the sign in the lower right hand corner, said number to be at least one (1) inch in height.

3320. Prohibitions.

3321. No moving, animated, revolving, moving light, or flashing sign or sign elements shall be permitted, except for traditional illuminated barbershop poles with revolving pillars. Only registered and licensed barbershops are allowed to display a barber pole and

the barber pole shall not exceed eighteen (18) inches in height. No pennants, streamers, advertising flags, spinners, or similar devices shall be permitted.

3322. No sign shall be located within twenty-five (25) feet of the intersection of sidelines of intersecting streets unless entirely less than three and one-half (3 1/2) feet or more than eight (8) feet above grade.

3323. No part of any sign shall be more than twenty (20) feet in height above ground level or exceed the height of the building to which it relates unless granted a special permit for an exception by the Board of Appeals.

3324. No part of any sign shall overhang a public way by more than twelve (12) inches, except that on special permit from the Board of Appeals such overhang may be increased up to four (4) feet.

3325. No billboard or other sign shall be erected or maintained unless its subject matter relates exclusively to the premises on which it is located, or to products, accommodations, services, or activities on those premises.

3330. Signs Permitted in Residential District. The following signs are permitted in residential districts RA, RB, RC, and RM.

3331. One (1) sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no such sign shall exceed one (1) square foot in area.

3332. One (1) sign not over nine (9) square feet in area pertaining to a permitted use or building other than dwellings or their accessory uses.

3333. One (1) temporary sign not over six (6) square feet in area pertaining to the sale, rent, or lease of the premises provided that it shall be removed within seven (7) days after sale, rent, or lease thereof. Such signs may be illuminated only if granted a special permit by the Board of Appeals upon its determination that such illumination serves public safety and convenience without damage to neighborhood character. These signs require no sign permit if erecting agent has obtained a one-year permit from the Building Inspector for erecting such signs.

3334. Unlighted directional signs not exceeding one (1) square foot in area each and pertaining to permitted building, uses of the premises other than dwellings and their accessory uses, or prohibiting use of the premises or certain portions of it.

3335. One (1) temporary unlighted sign not larger than twenty-five (25) square feet in an area indicating the name and address of the parties involved in construction on the premises. Requires no permit if not more than twelve (12) square feet in area and is removed within thirty (30) days of erection.

3340. Signs Permitted in Business Districts. The following signs are permitted in business districts CA, CB, CC, and CD.

3341. Attached signs. One sign may be attached to any one wall of a building, not to exceed an area equivalent to fifteen (15) percent of the front wall area of said building, or sixty (60) square feet, whichever is greater.

a. Allowable sign area may be divided between two (2) signs, each sign to be attached to a different wall of the building, and the total allowable sign area shall not exceed an area equivalent to twenty (20) percent of the front wall area of said building or eighty (80) square feet, whichever is smaller.

b. In the case of buildings with multiple occupants, each occupant is allowed one (1) sign, with the above total allowable sign area divided among them in proportion to their share of total floor area.

c. No attached sign shall extend above the wall to which it is attached. No sign shall be attached to a roof, real or simulated.

d. A building located at an intersection fronting on two (2) public ways may divide the allowable sign area between two (2) signs, each sign to be attached to a different wall of the building, and the total allowable sign area shall not exceed an area equivalent to twenty (20) percent of the front wall area of said building, or eighty (80) square feet, whichever is smaller.

3342. Freestanding signs.

a. One freestanding sign located within the front yard area of the lot and not exceeding five (5) percent of the front wall of the building, or forty (40) square feet, whichever is smaller, provided that the building has a minimum setback of thirty (30) feet and the sign is so located as to be set back fifteen (15) feet from the street line and twenty (20) feet from any side lot line. On special permit from the Board of Appeals the allowable sign area may be increased to sixty (60) square feet.

b. Directory signs. A freestanding "directory" sign, a sign representing multi-tenants, must have uniformity of size and color and the overall sign must meet the criteria for freestanding signs.

3343. Directional signs. No more than two (2) directional signs per driveway. Said signs shall contain no advertising and shall not exceed an area of five (5) square feet each.

3344. Window signs. One (1) unlighted window sign for each window of the building not to exceed in area twenty (20) percent of the area of any window upon which located.

3345. Lighted Window Signs. One lighted window sign, including all types of internally illuminated signs, whether or not neon, conforming to the following standards:

a. Such signs shall not exceed five (5) square feet in area or cover more than 20% of the window in which it is situated, whichever is less, and shall only be allowed in ground floor windows;

b. Such signs shall be equipped with a timer which shall permit illumination no longer than thirty minutes before opening or after closing of the business;

c. Such signs shall not flash or blink or use lights changing in intensity;

d. Such signs shall not contain more than three different colors;

e. Such signs illuminated by a neon source shall be composed of primarily single strand glass tubing with a maximum outside diameter of one inch;

f. Such signs within three feet of a window shall be considered to be a window sign for purposes of these standards.

3350. Signs Permitted in Industrial Districts. Any sign permitted in a business district is permitted in an industrial district (IA or IS) excepting window signs. However, a freestanding sign oriented parallel to the street line and not more than thirty (30) square feet in area need to be set back only five (5) feet from the street line.

3360. Illumination.

3361. Overspill. Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged that their collective result does not create so much light overspill onto adjacent premises that it casts observable shadows, and so that it does not create glare from unshielded light sources.

3362. Unless all the following are met, it will be presumed that the above performance requirements are not satisfied. The Board of Appeals may grant a special permit for lighting which does not comply with these specifications if it determines that the performance standards of the first paragraph will still be met, and if the applicant documents that brightness of any sign or building element will not exceed twenty (20) foot lamberts in residential districts or fifty (50) foot lamberts in other districts.

a. Internally illuminated signs on the premises collectively total not more than two hundred (200) watts unless not exceeding fifteen thousand (15,000) lumens.

b. Externally illuminated signs employ only shielded lights fixed within three (3) feet of the surface they illuminate.

c. Building floodlighting totals not more than two thousand (2,000) watts unless not exceeding fifty thousand (50,000) lumens.

d. Exterior lighting fixtures other than signs are mounted not more than twenty (20) feet high.

3363. Hours. No sign or building in any residential district or within three hundred (300) feet of any residential district if within sight from it shall be illuminated between the hours of 11 p.m. and 7 a.m. unless indicating an establishment open to the public during those hours.

3364. Movement. No flashing, moving, or revolving lights shall be maintained.

3370. Temporary Signs. Temporary signs (including those mounted on wheels, trailers, or motor vehicles if those vehicles, trailers, or wheeled signs are regularly located for fixed display) are prohibited unless complying with all requirements of this by-law as applicable to permanent signs, or as may be allowed herein.

3371. Political Signs. Temporary, freestanding political signs, not exceeding in aggregate twenty-four (24) square feet in area, which is designed to influence the action of voters for the passage or defeat of a referendum question or other measure appearing on the ballot of an election duly called in the Town of Chelmsford or designed to influence the action of voters for election of a candidate whose name appears on the ballot of an election duly called in the Town of Chelmsford are allowed in all districts. Such signs may be erected no sooner than twenty-one (21) days prior to the date of election and must be removed not later than fourteen (14) days after such election. Signs permitted by this by-law: (a) shall not be higher than three feet above ground level; (b) shall not be artificially illuminated; (c) shall be freestanding and not attached to a building, tree, utility pole, or fence; (d) shall be set back at least 15 feet from the street line; and (e) shall only be located within the front or side yard area of the property. These signs require no sign permit.

3372. Construction signs. Temporary, freestanding signs may be erected on the premises to identify any building under construction, its owner, architect, builder or other associated with it, provided that such sign shall not exceed sixty (60) square feet in area and shall not be erected to interfere with sight lines along the public way. Such sign shall be removed within seven (7) days of the issuance of an occupancy permit. These signs require no sign permit if not more than twelve (12) square feet in area and are removed within thirty (30) days of erection.

3373. Real estate signs. Temporary freestanding sign or signs attached to the front wall of the building and pertaining to the sale, rental, or lease of the premises are allowed in all districts. Such sign shall be removed within seven (7) days of the sale, rental, or lease of said premises. These signs require no sign permit if erecting agent has obtained a one-year permit from the Building Inspector for erecting such signs. Signs advertising an "open house" shall be situated only on the property which is for sale, and/or at nearby intersections to guide potential buyers to that location, only during the hours of the open house.

3374. Yard sale signs. A sign advertising a yard sale shall not exceed two square feet in area, shall not be erected more than seventy-two hours before the sale, and shall be removed immediately thereafter. No permit is required for a yard sale sign.

3380. Guidelines. These guidelines are not mandatory, but degree of compliance with them shall be considered by the Board of Appeals in acting upon special permits authorized under this section, as shall consistency with the basic sign objectives and any specific criteria cited above.

3381. Designs.

a. Any increase above the basic maxima for the size and number of signs should be justifiable because of multiple frontages, development scale, or other special

needs, and should be appropriate in relation to street width, signage on nearby structures, and speed of vehicular travel.

b. Sign content normally should not occupy more than forty (40) percent of the sign background, whether a signboard or a building element.

c. Signs should be simple, neat, and avoid distracting elements, so that contents can be quickly and easily read.

d. Signs should be sized and located so as to not interrupt, obscure, or hide the continuity of columns, cornices, roof eaves, sill lines, or other elements of building structure, and where possible, should reflect and emphasize building structural form.

e. Sign materials, form, colors, and lettering shall be reflective of the character of the building to which the sign relates.

f. Clutter should be avoided by not using support brackets extending above the sign or guy wires and turnbuckles.

3382. Content.

a. Signs should not display brand-names, symbols, or slogans of nationally distributed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacturing, sale, or other processing of that specific product.

b. Premises chiefly identified by a product brand-name (such as a gasoline or auto brand) should devote some part of their permitted sign area to also displaying the identity of the local outlet.

c. Signs should not contain selling slogans, product descriptions, help wanted notices, or other advertising that is not an integral part of the name or other identification of the location or the enterprise.

3390. Sign advisory committee. A sign advisory committee of five (5) members shall be appointed by the Town Manager for three-year terms (except so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Chelmsford, and two (2) others, preferably with a strong interest in architecture, landscape architecture or visual design. In addition a member of the Board of Appeals shall be designated by the board as a nonvoting sixth member of the sign advisory committee.

3390A. Procedure. All appeals to the Board of Appeals involving signs, applications for sign permits, and all applications for special permits authorized hereunder shall be referred to the sign advisory committee for its review and comment. No such appeal or application shall be acted upon prior to receipt of a report thereon from the sign advisory committee unless no report is received within twenty-one (21) days from the date of referral of a sign permit application or thirty-five (35) days from the date of referral of an appeal or special permit application. Any departure from the recommendations of the sign advisory board in the decision shall be explained

in a written report from the authorizing agent to the Sign Advisory Committee, Board of Selectmen, and Planning Board.

deleting existing Section 3410 regarding grading and substituting therefor a new Section 3430;

D. deleting existing Section 4110 regarding home occupations and substituting therefor a new Section 2250;

2250. Home Occupations.

2251. Home Occupations As of Right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:

a. The occupation or profession shall be carried on wholly within the principal building, or within a building or other structure accessory thereto which has been in existence at least five (5) years, without extension thereof.

b. Not more than twenty-five (25) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation.

c. No person not a member of the household shall be employed in the home occupation.

d. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

e. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

f. No use or storage hazardous materials in quantities greater than associated with normal household use shall be permitted.

g. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2252. Home Occupations by Special Permit. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

a. All of the requirements of Section 2251.a, 2251.b, and 2251.g.

b. Not more than one (1) person not a member of the household shall be employed in the home occupation.

c. An unlighted sign of not more than three (3) square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.

d. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard, and shall not occupy more than 20% of lot area.

e. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

deleting existing Section 4110A regarding family day care homes and substituting therefor a new Section 2243;

2243. Family Day Care Homes. Family day care home providers shall be registered with and have obtained all applicable licenses from the Commonwealth of Massachusetts Office of Children and shall be in full compliance with all applicable Rules and Regulations promulgated by the Office of Children as set forth in accordance with G.L. c. 28A, particularly sections 9 through 13 thereof, and in accordance with section 13 of Chapter 785 of the Acts of 1972. Providers shall also comply with the provisions of the Life Safety Code adopted by the National Fire Protection Association, section 10-9, Family Child Day Care Homes, and any amendments or revisions thereto or act in relation thereto.

deleting existing Section 4120 regarding swimming pools in its entirety;

deleting existing Section 4130 regarding barn, yard and garage sales and flea markets and substituting therefor a new Section 2244;

2244. Barn sale, yard sale, garage sale, or flea market. The temporary use of residential, institutional, or industrial premises for sale of personal property is permitted provided that a temporary occupancy permit is obtained. Such permits shall be issued by the Inspector of Buildings for up to two (2) consecutive days only, not more than twice each calendar year for any given premises. For each such sale a separate permit shall be required. No merchandise dangerous to life or limb shall be shown or sold and all persons conducting such sales shall take all necessary steps for the protection of persons while on their premises.

deleting existing Section 4140 regarding scientific uses and substituting therefor a new Section 2241;

2241. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

deleting existing Section 4150 regarding roadside stands and substituting therefor a new Section 2331;

2331. Roadside stands. Roadside stands shall be located at least fifteen (15) feet back from any street right-of-way and twenty (20) feet from any lot line. Portable stands shall be removed during seasons when not in use.

deleting existing Section 4160 regarding animals accessory to dwellings and substituting therefor a new Section 2245;

2245. Animals accessory to dwellings. Cattle, horses, sheep, hogs, goats, game birds or similar livestock shall be maintained accessory to a dwelling only on a lot having an area of not less than forty thousand (40,000) square feet plus fifteen thousand (15,000) square feet per large animal (twenty-five (25) pounds or heavier at maturity) in excess of one (1) or per ten (10) smaller animals in excess of the first ten (10). Such animals and their wastes shall be contained at least fifty (50) feet from any abutting lot line of a residentially used lot, and at least fifty (50) feet from any year-round surface water body.

deleting existing Section 4170 regarding unregistered motor vehicles in its entirety;

deleting existing Section 4180 regarding willow trees in its entirety;

deleting existing Section 4190 regarding height of accessory uses and structures and substituting therefor a new Section 2360;

2360. Height Restrictions on Certain Accessory Structures. Tall structures and roof-mounted or attached structures shall comply with the following requirements, conditions and guidelines. For purposes of this section a "tall structure" shall mean any freestanding man-made device (lattice, mast, pole, windmill, wind turbine, spire, tower, antenna, or the like) which exceeds thirty-five (35) feet in height and which is not subject to section 4100 - Wireless Communications Facilities.

2361. Each tall structure shall be placed in a circle with a radius equal to its height as measured from the base of said structure. This circle must be contained entirely within the property on which the tall structure is located. More than one tall structure may be erected on a lot provided that total area of the circles required above does not exceed the area of the lot.

2362. No tall structure shall be located within a required front or side yard area.

2363. Roof-mounted or attached structures, including masts, poles, towers, antennae, etc., may not exceed twenty (20) feet above the uppermost part of the structure to which attached. Such structures shall not be located nearer to the lot line than the total height of the mounted or attached structure.

deleting existing Section 4200 regarding earth removal and landfill and substituting therefor a new Section 3600;

3600. EARTH REMOVAL

3610. General. No removal of sod, loam, humus, clay, sand or gravel shall be permitted except in accordance with the conditions and procedures contained herein.

3620. Exceptions. The provisions of this section shall not apply to the following types of uses. Any fill material imported to the site pursuant to any exception shall be inorganic material and any earthwork, final grades, planting and landscaping shall be constructed with due regard for the protection of persons and property adjacent to the site; at no time will a slope exceed 3:1. Any site within one hundred (100) feet of a wetland shall be subject to the jurisdiction of the Conservation Commission.

3621. Removal or filling incidental to the construction of a building, for which the site of removal or filling is not more than six (6) months old, or for grading, or otherwise improving the premises around the building.

3622. Removal on a lot located in a residential district containing an existing residential dwelling provided a plan of the proposed work has been submitted to the Inspector of Buildings and a residential earth removal permit has been issued by him upon determination of compliance of said plans with the requirements of this by-law.

3623. Removal on any town-operated or town-maintained landfill.

3630. Procedures. The Board of Appeals may authorize earth removal upon the issuance of a special permit.

3631. Each application for a special permit shall be accompanied by a plan of land, at least six (6) eight-inch by ten-inch photographs of the area, and a statement describing any fill material to be used and where such fill would be obtained. The plan of land shall indicate the existing grade, proposed area of fill, proposed area of cut, area to be left as natural ground, grades below which no removal is to take place, proposed final landscaping, and permanent benchmarks.

3632. All required plans shall be prepared by a registered civil engineer and surveyor, except that the Board of Appeals may waive this requirement, upon written request, where it is evident that the plan is sufficiently accurate for the scope of operations proposed and where such operations will be minor.

3633. Five (5) copies of the initial plan of land shall be prepared and at the time of application to the Board of Appeals, such copies shall be distributed to the Inspector of Buildings, Town Engineer, Planning Board, and Conservation Commission.

3634. The Inspector of Buildings, Town Engineer, Planning Board, and Conservation Commission may report with recommendations to the Board of Appeals either at or prior to the hearing on the application.

3635. A final plan of land shall be prepared showing the final grades, cross sections, location of culverts and other site improvements, and cover vegetation, trees, and landscaping.

3636. Three (3) copies of the final plan shall be prepared, one of which shall be distributed to the Inspector of Buildings, and one to the town engineer who shall review the final plan and inspect the completed site for conformity with this by-law and any terms and conditions imposed by the Board of Appeals.

3637. A performance bond in an amount determined by the Board of Appeals shall be posted in the name of the town assuring satisfactory compliance with this by-law and any conditions imposed by the Board of Appeals in the interests of safe-guarding the area and the town against injury, assuring proper future use of the land after operations are completed, or to control the transportation of such material through the town. Upon failure to comply and forfeiture of the bond, monies therefrom shall be utilized by the town for the purpose of fulfilling these requirements. No bond shall be released until sufficient time has elapsed to ascertain that any filled area has stabilized, that vegetation planted has successfully been established, and that drainage is satisfactory.

3640. Special Permits. Before granting a special permit for removal, the Board of Appeals shall give due consideration to the location of the proposed operation, to the general character of the neighborhood surrounding such location, to the existing topography and natural landscape, drainage patterns, ground cover and vegetation, and to the general safety of the public on the public ways and in the vicinity of the removal or landfill operations.

3641. The Board of Appeals may set additional conditions governing the conduct of operations, hours when trucking is permitted, trees, screening, and landscaping which shall be in writing and a part of the permit issued.

3642. No permit shall be issued for more than one (1) year, and may be renewed only upon application and following a public hearing. Prior to renewal, inspection of the premises shall be made by the Inspector of Buildings.

3643. The Board of Appeals, after hearing and proof of violation of the terms of the permit or of this by-law shall withdraw the permit, after which the operation shall be discontinued, and the area restored in accordance with this by-law.

3650. Conditions. Removal operations shall comply with the following standards

3651. Removal shall not take place below a level that would reasonably be considered a desirable grade for the later development of the area, or below the grades specified on the

plan accompanying the permit, provided such plan has been approved or modified in accord with the directive of the Board of Appeals.

3652. During removal operations, no slope shall exceed one (1) foot rise to one and one-half (1 ½) feet horizontal distance or the natural angle of repose of the material in a dry state, whichever is lower, except in ledge rock.

3653. Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto adjoining properties.

3654. Soil shall not be disturbed within one hundred (100) feet of the boundaries of the premises, excepting at the conclusion of operations, if required in order to improve the overall grading.

3660. Restoration. Within ten (10) days after the expiration or withdrawal of a permit or upon voluntary cessation of operations, or upon completion of removal in a substantial area, that entire area shall be restored as follows:

3661. All land shall be graded so that the elevation of any disturbed areas shall be one (1) foot or more above the grade level of any adjacent street or way and so that no slope exceeds a rise of one (1) foot vertical for each three (3) feet of horizontal distance, and shall be graded as to safely provide for drainage without erosion.

3662. All boulders larger than one-half (1/2) cubic yard shall be removed or buried.

3663. The entire area of disturbed ground shall be covered with not less than four (4) inches of loam, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover, depending upon conditions.

3664. Retaining walls. Where it is necessary to erect retaining walls to guard against erosion, such retaining walls shall be no more than eighteen (18) inches above the grade of all adjacent streets or ways with the filled land at least eight (8) inches below the top of the retaining wall.

deleting existing Section 4300 regarding fairs, carnivals and similar events and substituting therefor a new Section 3200;

3200. FAIRS, CARNIVALS AND SIMILAR EVENTS

3210. General. Special permits for carnivals, fairs, exhibits, or similar outdoor events may be granted consistent with the following:

3211. Sponsorship. The sponsor shall be a religious, charitable, social or public organization.

3212. Duration. The event shall continue no longer than one (1) week at any one (1) time, and not more than two (2) such events shall be authorized within any twelve (12) months for any one (1) sponsor.

3220. Other Requirements. All requirements of this by-law, except paving for parking areas but including Section 3400, Environmental Standards, and Section 3360, Illumination, shall be observed.

deleting existing Section 4400 regarding multifamily dwellings and substituting therefor a new Section 3800;

3800. MULTIFAMILY DWELLINGS

3810. Objectives. Multifamily dwellings may be allowed by special permit in RM Districts in Chelmsford to provide greater variety and choice in housing types, to broaden availability of housing for persons and families of limited income, to focus development at locations able to support it with relatively small environmental or municipal cost, and to protect the town's natural environment, existing character and development, and ability to provide public services.

3820. District Creation. RM districts may be created by town meeting vote, but only if the proposed district meets the following criteria:

a. At least five (5) acres of land;

b. Two hundred fifty (250) linear feet of frontage upon one (1) or more of the following: a state-numbered highway; a street having a right-of-way width of sixty (60) feet or more; or, a street determined by the Planning Board to have current annual average daily traffic equal to one thousand (1,000) vehicles per day or more.

3821. Except as part of a comprehensive reconsideration of the zoning map, the Planning Board shall neither sponsor nor favorably recommend any proposal to create an RM district unless it has presented to it at a public hearing the information required in section 3840.

3830. Applicability. Multifamily dwellings may be allowed by special permit in the RM District by the Planning Board.

3840. Submittals. The following information shall be submitted as part of the application for a special permit.

3841. A schematic site plan of the property, showing general shape and location of structures, parking, retained vegetation, wetlands, and points of egress onto public ways.

3842. Materials indicating proposals for methods of water supply and sewage disposal; number of dwelling units, distinguishing single-family, multifamily; a development schedule for dwellings and improvements; proposed form of tenure, whether rental, condominium, cooperative, or other; means, if any, of providing for design control; and means, if any, of providing assurance of long-term conformity to present proposals.

3843. A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year, and the timing of construction of any proposed community facilities.

3844. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed, and using analysis materials provided by the Planning Board.

a. Natural environment: Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees), and wildlife habitats.

b. Public services: Traffic safety and congestion, need for water system improvements, need for public sewerage, need for additional public recreation facilities, need for additional school facilities.

c. Economics: Municipal costs and revenues, local business activity, local jobs.

d. Social environment: Rate of town population growth, range of available housing choice.

e. Visual environment: Visibility of buildings and parking, visual consistency with existing development in the area.

3850. Procedures. The applicant shall transmit one (1) copy of the materials required herein to each of the following for their review and recommendation, to be made not later than the public hearing: the Conservation Commission, Board of Selectmen, and Fire Department. A special permit shall be approved by the Planning Board only after consideration of the criteria set forth in Section 5300, and the following additional factors:

3851. Departure from the scale of single-family development is minimized through including not more than twenty-four (24) dwelling units in a single structure, serving not more than six (6) dwelling units from a single entrance, limiting building length to not more than two hundred (200) feet, having unbroken roof area of not more than three thousand (3,000) square feet, and having parking areas individually contain not more than thirty-six (36) parking spaces and be separated from all other parking areas by at least fifty (50) feet.

3852. Visual separation from nearby premises is assured through providing yards of at least one and five-tenths (1.5) times building height measured from each lot line which shall contain no parking areas, and through use of outdoor lighting fixtures not higher than fifteen (15) feet.

3860. Density Bonus. For every one (1) unit in ten (10) set aside for low- and moderate-income persons and families in a multifamily housing project, the applicant may apply and the Planning Board may grant a bonus of one (1) additional unit. To apply the applicant shall demonstrate to the Planning Board that:

3861. The rent required for the unit set aside shall meet the affordable rents established by the department of housing and urban development for the Chelmsford area; and

3862. The unit set aside shall be made available to low- and moderate-income persons and families for a period of no less than ten (10) years; and

3863. The low- and moderate-income level shall be as defined by the department of housing and urban development for the Chelmsford area.

3864. The applicant shall work with the housing authority to rent units to eligible persons and families.

deleting existing Section 4500 regarding major business complexes and substituting therefor a new Section 3700;

3700. MAJOR BUSINESS COMPLEXES.

3710. Objectives. The objectives for allowing major business complexes are to increase the diversity and convenience of goods and services available in Chelmsford, to provide entrepreneurial and employment opportunities for area residents, to focus development at locations able to support it with relatively small environmental or municipal cost, and to protect the town's natural environment, existing character and development, and ability to provide public services.

3720. Applicability. Any existing or proposed premises having more than twenty thousand (20,000) square feet gross floor area devoted to any use included in the Use Regulation Schedule in Section 2230 under "Commercial" and "Industrial" uses shall be considered a major business complex. Any construction, alteration, relocation or change of use resulting in such complex shall be permitted only upon the granting of a special permit by the Planning Board. For the purposes of this subsection, "change of use" shall mean a change in principal use which results in or is accompanied by an increase in the gross floor area of the principal structure of 10% or the addition of at least ten new parking spaces.

3730. Submittals. Ten (10) copies of the following shall be filed with the Planning Board application for a special permit for a major business complex or for rezoning to accommodate such a complex. Additional copies shall be filed with the town clerk and the Inspector of Buildings. The Inspector of Buildings shall review the application for major business complex and shall submit a report with recommendations not later than the time of the public hearing. The Planning Board shall neither sponsor nor favorably recommend any rezoning of three (3) or more acres to a commercial or industrial district unless such materials have been submitted to it at a public hearing.

3731. A site plan, as specified at Section 5400.

3732. Narrative analyses of the consequences of the proposed development, including evaluation of the following concerns at a level of detail appropriate to the scale of development proposed, as determined by the Planning Board:

a. Natural environment: Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habitats.

b. Public services: Traffic safety and congestion, need for water system improvements, need for public sewerage.

c. Economics: Anticipated market area, augmentation or duplication of existing services, amount and types of employment, labor force area.

d. Visual environment: Visibility of buildings and parking, visual consistency with existing development in the area.

3740. Decision Criteria. In addition to the criteria set forth in Section 5330, a special permit may be granted by the Planning Board only after consideration of the following factors:

3741. If the required traffic study shows that there will be an increase in traffic above the present level of service at any point within one (1) mile of the premises, satisfactory evidence shall be presented to demonstrate that the complex will not be injurious to public safety.

3742. Satisfactory evidence shall be presented to demonstrate that the complex will result in no net increase of runoff above current flows, and the design capacity of receiving structures or the channel capacity of receiving streams shall not be exceeded.

3750. Lapse. Special permits granted pursuant to this section shall lapse within two (2) years following the filing of the special permit (including such time required to pursue and await the determination of an appeal referred to in G.L. c. 40A, s. 17 from the grant thereof) with the Town Clerk, if a substantial use thereof has not sooner commenced except for good cause or in the case of permit for construction, if construction has not begun by such date except for good cause.

deleting existing Section 4600 regarding adult entertainment establishments and substituting therefor a new Section 4400;

4400. ADULT ENTERTAINMENT ESTABLISHMENTS

4410. Purpose. It is the intent and purpose of this by-law to regulate adult entertainment establishments to promote the health, safety and general welfare of the citizens of Chelmsford and to guard against adverse secondary effects on the youth of the Town. Furthermore it is the intent and purpose to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult entertainment establishments within the town, thereby reducing the adverse secondary effects from such adult entertainment establishments. The provisions of this by-law have neither the purpose nor effect of imposing limitations or restriction on the content of any communicative materials. Similarly, it is not the intent nor effect of this by-law to condone or legitimize the distribution of obscene material.

4420. Adult Entertainment Overlay District Boundaries. The Adult Entertainment Overlay District is established in addition to the Adult Entertainment (CX) District. The Adult Entertainment Overlay District Use Regulations shall be as herein described in the Adult Entertainment District.

4430. Spacing Requirement. Special Permits shall not be granted for an adult entertainment establishment if it is to be located less than one thousand (1000) feet from the following uses. Measurement of distances shall be from the lot line of any of the uses described herein:

4431. Another adult entertainment establishment;

4432. Residential uses;

4433. Public or private nursery schools;

4434. Public or private daycare centers;

4435. Public or private kindergartens;

4436. Public or private elementary schools;

4437. Public or private secondary schools;

4438. Playgrounds or parks;

4439. Religious institutions.

4440. Reduction of Spacing Requirement. The Board of Appeals may waive the one-thousand foot restriction contained in Section 4430 by special permit; provided, however, that the Board of Appeals shall not, under any circumstances, grant a special permit for an Adult Entertainment Establishment which shall be closer that seven-hundred-fifty (750) feet to any of the uses listed in section 4430. To grant a special permit reducing the spacing requirement, the board shall find:

4441. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit of this by-law will be observed;

4442. That the proposed use will not enlarge or encourage the development of a "skid row" area;

4443. That the establishment of an additional regulated use in that area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal;

4444. That all applicable regulations of this by-law will be observed;

4445. That no portion of the establishment shall be located on the ground level of any building.

4450. Special Permit. No adult entertainment establishment shall commence operations without first applying for and receiving a Special Permit from the Board of Appeals.

4460. Conditions. The following conditions shall be attached to any special permit for adult entertainment establishments:

4461. Adult entertainment establishments shall not be allowed within a building containing other retail, consumer or residential uses;

4462. No adult entertainment establishment shall be located within sixty (60) feet of a public or private way;

4463. Any adult entertainment establishment shall cease its operations between the hours of 1:00 AM and 10:00 AM each day;

4464. No adult entertainment establishment may have visible from the exterior of the premises any flashing lights;

4465. At all times when an adult entertainment establishment is open for business, the entire area of the premises must be continually illuminated to the degree of not less than one (1) foot candle (measured thirty (30) inches from the floor) except those portions of the room covered by furniture;

4470. Statutory Prohibition. No special permit for an adult use shall be issued to any person convicted of violating G. L. c. 119, s. 63, or G. L. c. 272, s. 28.

deleting existing Section 4800 regarding aquifer protection district and substituting therefor a new Section 4200;

4200. AQUIFER PROTECTION DISTRICT

4210. Purpose. Groundwater is the sole source of drinking water to the residents, businesses and industries of the Town of Chelmsford. The purpose of the Aquifer Protection District is to protect the health, safety, and general welfare by protecting the Town's limited present and future drinking water supply, to ensure a sufficient quantity of potable pure drinking water for the present and future residents, institutions, and businesses of the Town of Chelmsford; and to limit the adverse effects of use and development of land on the quality of the groundwater and surface water resources of the Town of Chelmsford.

4220. Definitions. For the purposes of this section the following words and phrases shall have the following meanings:

AQUIFER - Geologic formation composed of rock, sand, gravel or other geologic material that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

TOXIC OR HAZARDOUS MATERIAL OR WASTE - Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Chelmsford. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under G. L. c. 21C and c. 21E and 310 CMR 30.00. For the purposes of this section, sanitary domestic wastes from residential sources shall not be considered toxic or hazardous waste.

4230. Establishment and Delineation of Aquifer Protection District. There is hereby established within the Town of Chelmsford the Aquifer Protection District. This area is described on a map

entitled "Aquifer Protection District Town of Chelmsford, dated October 1997." Said map is incorporated herein by reference.

4231. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Zoning Board of Appeal (ZBA). Any application for a special permit for this purpose shall be accompanied by adequate documentation according to the normal application requirements of the Board of Appeals. If the applicant is able to demonstrate that groundwater flows will not be impacted by the activity on the site, or that groundwater from the site does not contribute to the Aquifer, the Board may grant a special permit relieving the applicant of the obligations of the Aquifer Protection District. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the Town may engage a registered professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all, or part of the cost of the investigation.

4240. Overlay District. The Aquifer Protection District is an overlay district superimposed on the zoning districts and whose regulations are in addition to any other regulations established by this by-law. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Aquifer Protection District must additionally comply
with the requirements of this district. Uses that are prohibited in the underlying zoning district shall not be permitted in the Aquifer Protection District.

4250. Use Regulations. The uses permitted within the Aquifer Protection District shall be the uses permitted in the underlying zoning district, except as restricted below. In the following Table of Use Regulations "N" indicates the use is prohibited, "Y" indicates that the use is permitted, and "PB" indicates that the use may only be permitted by a Special Permit from the Planning Board.

TABLE OF USE REGULATIONS WITHIN THE AQUIFER PROTECTION DISTRICT

PRINCIPAL OR ACCESSORY USE	
1. Sanitary landfill, solid waste disposal site, refuse treatment and disposal facility, landfilling of sludge and septage, storage of sludge and septage.	N

2. Generation, treatment, disposal or storage of Toxic or Hazardous Materials or Waste, except for the following; (a) municipal uses associated with the provision of public water and sanitary sewer services; (b) very small quantity generators, as defined by 310 CMR 30.00; (c) waste oil retention facilities required by G.L c. 21 s. 52A; (d) treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters; (e) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390	N
3. Motor vehicle repair facility	PB
4. Automobile graveyards and junkyards as defined in G.L. c. 140B, s. 1	N
5. Car, truck and equipment washing facility where all wastewater discharges to the municipal sewer system or to a private sewer system which discharges to the municipal sewer system or to an approved disposal facility	PB
6. Commercial laundries not connected to the municipal sewer system or to a private sewer system which discharges to the municipal sewer system	PB
7. Dry cleaners with on-site cleaning facilities	PB
8. Furniture or wood stripping, painting & refinishing	PB
9. Disposal of snow contaminated with deicing chemicals and originating from outside the district	N
10. Outdoor storage of fertilizer, animal manure, soil conditioner, pesticide, herbicide and deicing chemicals	N
11. Chemical, bacteriological or radiological laboratory or production facility	N
12. Treatment disposal works for non-sanitary wastewater that are subject to 314 CMR 5.00, except replacement or repair of existing treatment works, or treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water, or treatment works for pretreatment of industrial discharges to the municipal sewer system	N
13. Individual sewage disposal systems designed and/or maintained in accordance with the current requirements of Title 5, 310 CMR 15.00	Y

14. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey except for excavations for building foundations, roads or utility works	N
15. The enclosed storage of road salt or other deicing chemicals	PB
16. Modification of groundwater flow through use of underdrains or similar devices, except that a Special Permit shall not be required to maintain, modify or expand single family residential structures lawfully in existence on effective date of this section	PB
17. Enlargement or alteration of existing uses that are nonconforming in the Aquifer Protection District	PB
18. Storage of hazardous materials as defined in G.L. c. 21E, and/or liquid petroleum products unless such storage is: (a) above ground level; (b) on an impervious surface; (c) either in container(s) or above ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater. These storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements	N
19. The construction of dams or other water control devices, ponds, or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements	PB
20. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater (see section 4260)	PB
21. Any discharge to the ground through an interior floor drain	N

4260. Lot Coverage. Any use proposed to render impervious more than 15% or 2,500 square feet of any lot, whichever is greater, shall be subject to a special Permit from the Planning Board. On any such lot a system for groundwater recharge must be provided which does not degrade groundwater quality. Any project drainage design that satisfies the Stormwater Policy issued by

the Department of Environmental Protection, dated November 18, 1996, as amended, shall be sufficient to satisfy the requirements of this section.

4270. Special Permits. The Special Permit granting authority under this section of the Zoning by-law shall be the Planning Board. The Planning Board may grant the Special Permit only upon a finding that the proposed use meets the following performance standards:

4271. The use shall not, during construction or thereafter, adversely affect the existing quality or quantity of water that is available in the Aquifer Protection District;

4272. The use shall be designed to avoid substantial disturbances of the soils, topography, drainage, vegetation and other water related natural characteristics of the site to be developed which are likely to affect existing quality or quantity of water that is available in the Aquifer Protection District;

4273. The use shall be designed to meet State and Federal drinking water standards at the property line; and

4274. The use shall utilize the Best Management Practices which are available for the proposed use.

deleting existing Section 4900 regarding wireless communications facilities and substituting therefor a new Section 4100;

4100. WIRELESS COMMUNICATIONS FACILITIES

4110. Purpose. The purpose of these regulations include to establish siting criteria and standards for communication towers and facilities; to minimize the adverse visual impacts of wireless communications facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; to minimize the overall number and height of such facilities to only what is essential; and to promote shared use of existing facilities to reduce the need for new facilities. The by-law is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town, and to accommodate the need for the minimum number of such facilities within the Town. This section shall not apply to satellite dishes and antennas for residential use which are regulated under Section 2360.

4120. General Requirements. No wireless communications facility shall be erected or installed except in compliance with the provisions of this by-law. In all cases, a Special Permit is required from the Board of Appeals. Any proposed extension in the height, addition of cells, antenna or panels, or construction of a new or replacement facility shall be subject to a new application for a Special Permit. Attachment of cells, antenna or panels to existing suitable structures shall be subject to application for a Special Permit.

4121. Only freestanding monopoles, with associated antenna and/or panels, may be allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed. For the purposes of this section "monopole" shall mean a pole consisting of not more than one leg, anchored in the ground, which is not supported by guy wires or other bracing. Monopoles shall be set back from the property line a distance at least equal to the height of the monopoles.

4122. Erection of new monopoles may be allowed by special permit in any Commercial District, Industrial District or Public district.

4123. New structures shall be located within five hundred (500) feet of a limited access highway as defined by State and Federal standards.

4124. No new monopoles shall be erected within five hundred (500) feet of an existing residential structure or within two (2) miles of another existing or approved monopole.

4125. Structures shall be removed within one (1) year of cessation of use. If applicable, proof of continued compliance with the standards of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), the American National Standards Institute (ANSI), State building code, and required maintenance shall be filed with the Building Inspector by the Special Permit holder on an annual basis or as deemed necessary by the Building Inspector.

4126. Not more than one monopole shall be located on a lot.

4130. Procedures. All applications for special permits for wireless communications facilities, antennas or satellite dishes shall be made and filed in compliance with the Rules and Regulations of the Chelmsford Board of Appeals. In addition to the minimum requirements of the Board of Appeals, applicants under this section shall include the following:

4131. A locus plan which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings, and all buildings within five hundred (500) feet of the facility;

4132. A color photograph or rendition of the proposed monopole with its antenna and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.

4133. The following information prepared by one or more professional engineers:

a. a description of the monopole and the technical, economic and other reasons for the proposed location, height and design.

b. confirmation that the monopole complies with all applicable Federal and State standards.

c. a description of the capacity of the monopole including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

d. If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4140. Design Requirements. Wireless communications facilities shall conform to the following requirements:

4141. All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. The setback of a monopole from the property line of the lot on which it is located shall be at least equal to the height of the monopole.

4142. No monopole, or attached accessory antenna on a monopole, shall exceed one hundred twenty (120) feet in height as measured from ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.

4143. Antennas or dishes located on nonresidential buildings shall not exceed ten (10) feet in height above the roof-line of the structure. Satellite dishes and/or antennas shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets.

4144. All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. No monopole shall be visible from any location within the Historic District. All monopoles and dishes shall be painted or otherwise colored so they blend in with the landscape or the structure on which they are located and existing on-site vegetation shall be preserved to the maximum extent possible.

4145. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment. Traffic associated with any wireless communication facility shall not adversely affect abutting ways.

4146. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical, so as to reduce the number of facilities which will be required to be located within the community.

4147. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the character of the Town and shall not be of razor wire. The fence shall be surrounded by a screen of plantings of sufficient density and height so as to shield the fence from view.

4148. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) basis. All signs shall conform with Section 3300 of the Chelmsford Zoning By-law, Signs and Outdoor Lighting.

4149. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

4150. Special Permit Review. Applications for Special Permits may be approved where the Board of Appeals determines compliance with the requirements set forth herein. When considering an application for a wireless communication facility, the Board of Appeals shall place great emphasis on the proximity of the facility to residential neighborhoods and its impact on these residences. New facilities shall only be considered after a finding that existing (or previously approved) facilities cannot accommodate the proposed use(s). When considering an application for an antenna or dish proposed to be placed on a structure, the Board shall place great emphasis on the visual impact of the unit from the abutting neighborhoods and street(s).

E. deleting existing Section 5000 regarding facilitated and independent senior living and substituting therefor a new Section 4500.

4500. FACILITATED AND INDEPENDENT SENIOR LIVING.

4510. Purpose. Facilitated and Independent Senior Living facilities are allowed in a variety of zoning districts by special permit from the Board of Appeals. The intent of the by-law is to provide the opportunity for the development of the types of multi-family and communal housing most beneficial for the senior and elder population of Chelmsford.

4511. Facilitated Living Facilities provide private or communal lodging for persons requiring limited medical attention or supervision and who ordinarily are ambulatory. These include, but are not limited to Assisted Living facilities, Alzheimer's facilities and Congregate Living facilities.

4512. Independent Senior Living facilities are intended to provide a safe, suitable age restricted dwelling unit for a senior couple or individual who are able to live independently. Open space preservation is an important facet of Independent Senior Living projects, and is meant to provide the residents of the project with opportunities for active and passive recreation.

4520. Standards. The following dimensional standards shall apply to Facilitated and Independent Senior Living Facilities:

	RM	CA	CB	CC	CD	IA
Minimum lot area (acres)[1]	5	5	5	5	5	7
Minimum lot width (ft.)	150	125	150	200	50	150
Minimum lot depth (ft.)	150	125	0	200	0	150
Minimum frontage (ft.)	150	125	150	200	50	150
Minimum front yard (ft.)[2]	40	20	60	60	20	40
Minimum side yard (ft.)	25	40	40	40	40	40
Minimum rear yard (ft.)	30	40	40	40	40	40
Minimum building separation (ft.)	25	25	25	25	25	25
Maximum building coverage (%)	35	35	35	35	35	35
Maximum building height (ft.)	35	35	35	35	35	35
Minimum open space - Independent Senior Living (%)	10	30	30	30	30	30
Maximum number of units per acre - Facilitated Living[3]	7	7	7	7	7	7
Maximum number of units per acre - Independent Senior Living[4]	7	4	4	4	4	4

[1] A smaller lot size may be allowed by special permit from the Planning Board where such smaller lot is determined to promote the objectives of this Section 4500.

[2] Or twice the building height, whichever is greater.

[3] Up to 10 units per acre may be allowed by special permit from the Planning Board where increase is determined to promote the objectives of this Section 4500.

[4] Exclusive of open space requirement. Tract size minus open space requirement minus wetlands/floodplain not included in open space requirement times units per acre equals maximum number of units per tract.

4530. General Standards.

4531. The entire site shall be a size and shape as shall provide a housing site that will be in harmony with the natural terrain and other features of the site, and will preserve natural vistas and the character of the neighborhood.

4532. No site on a plan for which an approval is granted under this section may be subdivided so as to create additional lots. A notation to that effect shall be shown on the site plan.

4533. Sites abutting residentially zoned land shall provide a landscaped buffer strip fifty (50) feet in width or a strip as set forth in Section 3531, whichever is larger, to provide adequate screening for adjacent properties. No structure, driveway, parking area or sidewalk shall be located in the landscaped buffer strip. A smaller buffer may be allowed by special permit from the Planning Board where such smaller buffer is determined to promote the objectives of this Section 4500.

4534. Driveways and parking areas within the development shall be constructed in accordance with Section 3100. Sidewalks conforming to the Planning Board Subdivision Rules and Regulations shall be required by the Planning Board. Additional requirements linking pedestrian circulation systems may be required by the Planning Board.

4536. Buildings shall be designed to be complementary in exterior design with each other and with the existing neighborhood in which the facility is located. Dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments with the exception of projects in the RM district.

4537. The method(s) of implementing age restrictions of seniors and elders must be to the satisfaction of the Board of Appeals and the Planning Board.

4538. The Planning Board may set additional site security and safety requirements as deemed necessary to ensure the security and safety of the residents of the facility.

4540. Open Space Requirements. The minimum required open space set forth in Section 4520 shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the site. The percentage of the open space which is wetlands, as defined pursuant to G.L. c. 131, s. 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this Section 4500.

4541. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

4542. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.

4543. Underground utilities to serve the site may be located within the required open space.

4544. The required open space shall, at the Planning Board's election, be conveyed to

a. the Town of Chelmsford or its Conservation Commission;

b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

c. a corporation or trust owned jointly or in common by the owners of lots within the site. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Chelmsford to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

4545. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable

by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

4550. Standards for Independent Senior Living. A minimum of 33% of the units in a project shall comply with ADA accessibility standards to all living areas.

UNDER ARTICLE 23. Michael McCall moved to waive the reading of the article. **Motion carried, unanimously.** Susan Carter Chairman of the Planning Board explained that this article's purpose is to amend sections of the zoning by-law so it fully complies with current State statures. She further explained that the fines for zoning violations will now be $300. Where before it was $100. Site Plan Review now will be in conformance with case law, and longer considered a special permit. A majority approval of members present at hearing is all that is now needed. The permit expiration has been increased from one year to two years. The Moderator asked for the various recommendations. The Finance Committee had no recommendation. The Board of Selectmen recommended the article. Susan Carter said that the Planning Board recommended the article as stated under article 22. The Moderator asked for a vote by way of a show of hands, he declared the **motion carried, by recognizing the 2/3's vote by-law.**

The article reads as follows:

Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the Chelmsford Zoning Bylaw by:

deleting existing Section 1200 regarding administration and substituting therefor a new Section 5100;

5100. ADMINISTRATION.

5110. Permits. This By-Law shall be administered by the Inspector of Buildings. Pursuant to the State Building Code, the Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use without written certification by the Inspector of Buildings that such action is in compliance with then-applicable zoning, and that all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as such certification.

5120. Enforcement. The Inspector of Buildings shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions

of this By-Law and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Selectmen or Town Manager to Town Counsel, or action pursuant to Article I, Section 2 of the Town of Chelmsford General By-Laws allowing non-criminal disposition of violations.

5130. Penalties. The penalty for violation of any provision of this By-Law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be Three Hundred dollars ($300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

deleting existing Section 1400 regarding planning board and site plan review and substituting therefor a new Section 5400;

5400. SITE PLAN REVIEW.

5410. Applicability. The following types of activities and uses require site plan review by the Planning Board:

5411. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure involving more than 500 square feet. For the purposes of this section change of use shall mean a change from one principal use listed in the Use Regulations Schedule, Section 2230, to another listed use which results in an increase in required parking or invokes the Aquifer Protection District, Section 4200;

5412. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose;

5413. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan, or work pursuant to an earth removal permit.

5420. Exemptions.

5421. A building wholly or partially destroyed may be rebuilt without recourse to this section if rebuilt without change to the building footprint or the square footage of usable space.

5430. Procedures.

5431. Use, Structure, or Activity Available As of Right. An application for a building permit to perform work as set forth in Section 5410 available as of right shall be accompanied by an approved Site Plan. Prior to the commencement of any activity set forth in Section 5410 available as of right, the project proponent shall obtain site plan approval from the Planning Board. Applicants for site plan approval shall submit twelve (12) full size sets and eight (8) reduced size sets of the site plan to the Planning Board for review.

5432. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building permit shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board.

5433. Use or Structure Available by Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 5410 shall be accompanied by an approved Site Plan. Applicants for site plan approval shall submit twelve (12) full size sets and eight (8) reduced size sets of the site plan to the Planning Board for review. The Planning Board shall publish a legal notice no less than five (5) days before the public hearing and shall notify all abutters and abutters to abutters within 300 feet.

5434. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No special permit or variance shall be issued by the Board of Appeals without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board, unless extended by the Planning Board. Where the Planning Board approves a site plan "with conditions", and said site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

5435. Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures. Applicants must meet the submission requirements of section 5433.

5436. An application for site plan approval shall be accompanied by a fee, as set forth in the Planning Board's Rules and Regulations.

5437. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein. A copy of the extension shall be provided to the Board of Appeals.

5438. No deviation from an approved site plan shall be permitted without modification thereof.

5440. Preparation of Plans. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=20'.

5450. Contents of Plan. The contents of the site plan are as follows:

5451. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Planning Board. The plans are as follows:

a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage.

c. Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas or resource protection areas subject to protection by the Wetlands Protection Act.

d. Architectural plan, which shall include all floor plans and architectural elevations of all proposed buildings and a color rendering.

e. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

5452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5453. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this by-law.

5454. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Town of Chelmsford subdivision regulations.

5455. The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts.

5456. Certification that the proposal is in full compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

5460. Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 5440 where the project involves relatively simple development plans or constitutes a minor site plan.

5470. Minor site plan. Applications for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of five hundred (500) square feet but not exceed a total gross floor area of three thousand (3000) square feet, or will not generate the need for more than ten (10) parking spaces, shall be deemed a minor site plan. For the purposes of computing the total gross floor area of a minor site plan, the Inspector of Buildings shall aggregate all such applications made within the five (5) previous calendar years. Minor site plans shall set forth all of the information required by Section 5440; provided, however, that the scale of the site plan may be 1' = 100', unless greater detail is needed for clarity, and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey or Town of Chelmsford topographic maps.

5471. Minor site plans shall be referred to the applicable town agencies at the discretion of the Planning Board.

5480. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5481. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;

5482. Maximize pedestrian and vehicular safety both on the site and egressing from it.

5483. Minimize obstruction of scenic views from publicly accessible locations;

5484. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

5485. Minimize glare from headlights and lighting intrusion;

5486. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5487. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;

5488. Ensure compliance with the provisions of this Zoning By-Law, including parking and landscaping.

5490. Lapse. Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

5490A. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

deleting existing Section 1500 regarding special permits and substituting therefor a new Section 5300;

5300. SPECIAL PERMITS AND VARIANCES.

5310. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

5320. Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on town services, tax base, and employment.

5330. Procedures. Whenever an application for a special permit is filed with a special permit granting authority, said authority shall distribute copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Inspector of Buildings, Director of Public Works, Police Chief, Fire Chief, Sewer Commission, Planning Board/Board of Appeals (whichever is not the Special Permit granting authority) and applicable water district for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant.

5331. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

5332. The special permit granting authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an

application. Failure to complete an application within such time shall be deemed nonsubmittal of the application, without prejudice.

5333. Reports from other boards and officials shall be submitted to the special permit granting authority by the date of the public hearing. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto.

5334. The Decision/Findings of the special permit granting authority shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

5340. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

5350. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5440, herein.

5351. The provisions of this Section 5350 shall not apply to applications for special permits to reconstruct, extend, alter, or structurally change a nonconforming single or two family structure. The Board of Appeals may establish procedures governing such applications by regulation.

5360. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

5370. Variances. Procedural requirements for variances shall follow 5330.

deleting existing Section 1700 regarding court appeals in its entirety;

deleting existing Section 2400 regarding nonconforming uses and structures and substituting therefor a new Section 2260;

2260. Nonconforming Uses and Structures.

2261. Applicability. This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such

prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

2262. Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

a. Change or substantial extension of the use;

b. Change from one nonconforming use to another, less detrimental, nonconforming use.

2263. Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

a. Reconstructed, extended or structurally changed;

b. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

c. Reconstructed after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure.

2264. The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

2265. Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. In the event that the

Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Extension or alteration of nonconforming single and two family structures shall be allowed by right so long as such extension or alteration is within the existing footprint.

2266. Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law.

2267. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

deleting existing Section 2530 regarding isolated lots in its entirety.

UNDER ARTICLE 24. Dwight Hayward moved that the reading of the article be waived. **Motion carried, unanimously.** Robert Morse explained that this article consists of sections that have been moderately revised in order to comply with Master Plan Goals. Added to required exempt uses Child Care Facility. Motel- Hotel by special permit in IA district. Added Adult Day Care and Group Residence. Delete contractors yard in commercial district and add to Industrial District by special permit. Delete Refuse incinerator, sanitary landfill from IS. Stricter standards for demonstrating conventional zoning build-out, from which the total number of houses allowed for the POS is calculated. Open space may be transferred to Town as permanent open space. Minimum lot size may be reduced from 20,000 sq. ft to 12,000 sq. ft to increase the amount of potential open space and allow more flexible house placement Susan Carter sent over the definitions. The Moderator asked for the various recommendations. The Finance Committee had no recommendation. The Board of Selectmen recommended the article. Susan Carter said that the Planning Board recommended the article as stated under article 22. The Moderator asked for a vote by way of a show of hands, he declared the **motion carried, by recognizing the 2/3's vote by-law.**

The article reads as follows:

Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the Chelmsford Zoning Bylaw by:

A. deleting existing Sections 2210, 2220 and 2300 regarding use regulations and substituting therefor new Sections 2210, 2220 and 2230 respectively in order to bring the sections into conformance with actual development patterns and the recommendations of the 1996 Master Plan;

2200. USE REGULATIONS.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule", or in Section 2240, "Accessory Uses", unless exempted by this by-law or by statute. Uses not expressly provided for herein are prohibited. Not more than one principal structure shall be placed on a lot, except in accordance with Section 2340.

Symbols employed below shall mean the following:

- Y - A permitted use.
- N - An excluded or prohibited use.
- BA - A use authorized under special permit from the Board of Appeals as provided under Section 5300.
- PB - A use authorized under special permit from the Planning Board as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule.

D I S T R I C T

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
A. RESIDENTIAL														
1. Single-family dwelling	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
2. Two-Family dwelling	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
3. Multi-family dwelling	N	N	N	PB	N	N	N	N	N	N	N	N	N	N
4. Conversion of dwellings	N	BA	Y	BA	N	N	N	N	N	N	N	N	N	N
5. Boarding house	N	N	Y	N	N	Y	N	Y	N	N	N	N	N	N
6. Mobile home	N	N	N	N	N	N	N	N	N	N	Y[1]	N	N	N
7. Planned open space residential development	PB	PB	N	N	N	N	N	N	N	N	N	N	N	N
8. Group Residence	N	N	N	BA	BA	BA	BA	BA	BA	N	N	N	N	N
9. Facilitated and Independent Senior Living	N	N	N	BA	BA	BA	BA	BA	BA	N	N	N	N	N
B. EXEMPT AND INSTITUTIONAL USES														

[1] Intensity of use shall be limited to permit a maximum of 7 units per acre and a maximum of 254 units in the RMH District.

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Licensed day care facility for the day care of six or fewer nonresident children	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
4. Adult day care facility	N	N	N	BA	BA	BA	BA	BA	BA	N	N	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
land containing more than five acres in area on which the facility is located														
8. Cemeteries	Y	Y	N	N	N	N	N	N	Y	N	N	N	Y	N
9. Municipal facilities except garages, storage or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
10. Municipal garages, storage or repair shops	N	N	N	N	N	BA	N	N	BA	N	N	N	Y	N
11. Essential services	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
12. Hospital	N	BA	BA	BA	N	Y	N	N	N	N	N	N	N	N
13. Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	N
C. COMMERCIAL														
1. Nonexempt agricultural use[2]	Y	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N
2. Nonexempt farm stand for wholesale or retail sale of products[3]	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
3. Nonexempt educational use	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N
4. Animal clinic or hospital	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N

[2] Provided there are neither hogs nor fur-bearing animals.

[3] No such stand shall be permitted in an historic district.

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
5. Kennel	N	N	N	N	N	N	N	N	BA	N	N	N	N	N
6. Nursing or convalescent home	N	N	N	BA	N	BA	N	N	N	N	N	N	N	N
7. Funeral home	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N
8. Motel or hotel	N	N	N	N	N	Y	PB	PB	PB	N	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	N	N	N	Y[4]	Y[5]	Y[5]	Y[5]	N	N	N	N	N	N
10. Motor vehicle sales and rental	N	N	N	N	N	Y	N	N	N	N	N	N	N	N
11. Motor vehicle general and body repair	N	N	N	N	N	Y[5]	N	N	N	N	N	N	N	N
12. Motor vehicle light service[6]	N	N	N	N	N	Y[5]	BA	BA	N	N	N	N	N	N
13. Parking Garage	N	N	N	N	N	BA	BA	BA	BA	BA	N	N	N	N
14. Restaurant	N	N	N	N	N	Y[5]	Y[5]	Y[5]	N	N	N	N	N	N
15. Restaurant, fast-food	N	N	N	N	N	BA	BA	N	N	N	N	N	N	N

[4] No structure shall exceed 3,000 square feet gross floor area.

[5] A special permit from the Board of Appeals shall be required if more than 10,000 square feet gross floor area are devoted to business use on the premises.

[6] Notwithstanding the provisions of note 6 of the Dimensional Table, no structures, pumps, or fuel storage tanks shall be located within 50 feet of a residentially used premises or a residential district.

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
16. Business or professional office	N	N	N	N	Y[4]	Y	Y	Y	Y	N	N	Y	N	N
17. Medical center or clinic	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
18. Bank, financial agency	N	N	N	N	N	Y[5]	Y[5]	Y[5]	N	N	N	Y	N	N
20. Indoor commercial recreation	N	N	N	N	N	Y[5]	Y[5]	BA	N	N	N	N	BA	Y
21. Outdoor commercial recreation	N	N	N	N	N	N	N	N	N	N	N	N	BA	Y
22. Club or lodge	N	BA	BA	BA	N	Y	BA	Y	N	N	N	N	BA	Y
23. Riding academy	N	BA	N	N	N	BA	N	N	N	N	BA	N	BA	BA
24. Golf course	BA	BA	BA	BA	BA	BA	BA	BA	N	N	BA	N	Y	BA
25. Campground	N	N	N	N	N	N	N	N	N	N	N	N	N	N
26. Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N	N	BA	N	N
27. Wireless Communications Facility	N	N	N	N	BA	BA	BA	BA	BA	BA	N	BA	BA	N
28. Fairs, carnivals and similar events	N	N	N	N	N	BA	BA	BA	BA	BA	N	N	BA	BA
D. INDUSTRIAL														
1. Earth removal	N	N	N	N	N	N	N	N	BA	BA	N	N	N	N
2. Light manufacturing	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	N	N	N	N	N	N	BA	N	N	Y	N	N
4. Granite operations	N	N	N	N	N	N	N	N	N	BA	N	N	N	N

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	N	OS
5. Contractor's yard	N	N	N	N	N	N	N	N	BA	N	N	N	N	N
6. Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N
7. Solid waste disposal facility or sanitary landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	N
8. Refuse incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N
9. Transport terminal	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
10. Wood operation	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
11. Pedestrian and vehicular access and egress by private way to and from uses permitted in an IA District	N	N	N	N	N	PB	N	N	Y	N	N	N	N	N
12. Retail sale of goods, the majority of which are produced or undergo processing on the premises[7]	N	N	N	N	N	Y	N	N	BA	BA	N	N	N	N

2240. Accessory Uses. Any use permitted as a principal use is also allowed as an accessory use, as are others customarily accessory and incidental to permitted principal uses.

[7] The retail outlet shall not exceed 1,000 square feet or 10% of the gross floor area of the principal facility, whichever is less.

Accessory uses are permitted only in accordance with lawfully existing principal uses. An accessory use may not, in effect, convert a principal use to a use not permitted in the zoning district in which it is located. Where a principal use is permitted under special permit, its accessory use is also subject to the special permit. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 5400, such addition shall also require site plan review and approval.

2242. Major Recreational Equipment. No major unregistered recreational equipment shall be stored on any lot in a residential district other than in a carport or enclosed building or behind the building line of the principal building, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed seventy-two (72) hours. No such equipment shall be used for living or housekeeping purposes when stored on a residential lot, or in any location not approved for such use. All equipment which does not conform to these regulations shall be considered nonconforming.

B. deleting existing Section 2600 regarding the intensity of use schedule and substituting therefor a new Section 2320 in order to bring the section into conformance with actual development patterns and the recommendations of the 1996 Master Plan. The table of dimensional uses includes new headings floor area ratio and (maximum) stories and deletes minimum landscaped open space and landscaped front yard.

2320. Table of Dimensional Requirements.

D I S T R I C T S

DIMENSIONAL REQUIREMENTS	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Minimum Lot Requirements														

Area (x1000 sq. ft.)	60	40	20	40[1]	20	40	100	10	40	40[2]		40	20	20
Width (feet)	150	150	125	150	125	150	200	50	150	150		150	125	125
Depth (feet)	150	150	125	150	125	0	200	0	150	150		0	125	125
Frontage (feet)	150	150	125	150	125	150	200	50	150	150		150	125	125
Minimum Yard Requirements														
Front (feet)[3]	40	40	20	40	20	60	60	20	40[4]	40[4]		60	20	20
Side (feet)	25	25	12	25[5]	10[6]	30[6]	30[6]	10[6]	40[4]	40[4]		30[6]	10[6]	10[6]
Rear (feet)	30	30	20	30[5]	10[6]	20[6]	30[6]	10[6]	30[4]	30[4]		20	10	10
Maximum Building														
Coverage (%)	10	15	20	15	15	30	30	40	40	30		30	15	15
Stories	3	3	4	3	3	4	3	4	4	4		4	3	3
Height (feet)	35	35	45	35	35	45	35	45	45	45		45	35	35
Floor Area Ratio	.15	.20	.25	.30	.45	.45	.45	.45	.45	.45		.45	N/A	N/A

1. For multifamily dwellings, not less than 80,000 sq. ft. or 5,000 sq. ft. per dwelling unit, whichever is greater.

2. For granite operations, minimum lot area shall be 10 acres.

3. Corner lots shall maintain front yard requirements for each street frontage.

[4]. Increase to 100 feet when abutting a residentially used or zoned property.

[5]. Increase by 20 feet where abutting an RA or RB District.

[6]. Increase by 20 feet where abutting a residentially used or zoned property.

C. deleting existing Section 4700 regarding planned open space residential development and substituting therefor a new Section 4600. The changes simplify the language and procedures of the section.

4600. PLANNED OPEN SPACE DEVELOPMENT.

4610. Purpose. Planned Open Space Developments, hereinafter known as POS, may be allowed by special permit by the Planning Board for the purpose of providing attractive, convenient, efficient neighborhoods and to promote the conservation of open space and the efficient use of land in harmony with its natural features.

4620. General Standards.

4621. The tract of land proposed for a POS shall contain a minimum of ten (10) acres. These proposals shall be permitted only within a subdivision as defined in G.L. c. 41, s. 81L.

4622. Number of Dwelling Units. The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

4623. If any part of a dwelling or accessory building in a POS is proposed to be located within one hundred (100) feet of the perimeter of such development, such building(s) shall be located so as to comply with the minimum yard dimensions for principal and accessory buildings for the applicable zoning district.

4624. Minimum lot area shall be 12,000 square feet. Minimum frontage shall be 50 feet. Minimum side yards shall be 12 feet. Minimum front and rear yards shall be 20 feet. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved.

4625. All streets in a POS shall be improved in accordance with the requirements and specifications of the subdivision regulations. Driveways and other paved areas intended to remain in private ownership shall be approved as to design and construction standards by the Planning Board.

4626. A written agreement or contract to be executed between the developer and the Town of Chelmsford shall be submitted at the final stage of the subdivision review stating:

a. That the owner or developer will construct the development and install improvements both public and private in accordance with the approved plan. A bond shall be posted to guarantee completion.

b. That in the event of failure of the owners, successors, or assigns to maintain any common open space, recreation areas, landscaping features or other required improvements the town may enter said development and perform such necessary maintenance work and charge the cost, including attorney fees to the owner, successor, or assigns.

c. That this contract shall be binding upon the heirs, assigns, successors or receivers of the development and shall constitute a lien on the property in the development.

d. Any other conditions required by the Planning Board.

4627. A site plan, in addition to the final subdivision plan, shall be recorded after the POS is approved. As a minimum this site plan shall show the entire development indicating lots, roads, easements, open space, phases for development, any recreational uses or buildings to the constructed in the open space and any ponds, streams or wetlands. This plan shall be approved by the Planning Board before it is recorded.

4628. Buffer Areas. All dwellings and structures shall be located a minimum of 50 feet from adjacent properties, and 100 feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agriculturally used property.

4630. Open Space Requirements. A minimum of twenty-five (25%) of the site shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the site. The percentage of the open space which is wetlands, as defined pursuant to G.L. c. 131, s. 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this Section 4600.

4631. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

4632. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.

4633. Underground utilities to serve the site may be located within the required open space.

4634. The required open space shall, at the Planning Board's election, be conveyed to

a. the Town of Chelmsford or its Conservation Commission;

b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

c. a corporation or trust owned jointly or in common by the owners of lots within the site. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Chelmsford to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

4635. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

4640. Homeowners Association. The applicant or developer shall provide for and establish a homeowners association as a nonprofit organization or other legal entity under the laws of Massachusetts for the use, care and maintenance of lands and improvements. Membership in the association shall be mandatory for all landowners within the POS, and each lot shall be entitled to equal representation. The association shall be formed prior to conveyance of the first lot, in a form acceptable to the Planning Board.

4650. Certificates or Documents. The following certificates or documents shall be submitted to the Planning Board:

4651. Copies of any proposed management policies and existing or proposed deed restrictions or covenants running with the land in the development.

4652. A description of any existing easement, covenants, or restrictions affecting land within the development and an instrument conveying any easements required as condition of approval to the town.

4660. Disclosure. Prior to approval by the Planning Board, the developer must file and have approval by the Planning Board a sample purchase and sale agreement which shall be used for the purchase of individual lots and dwellings. Said agreement shall include a conspicuous type the following;

> The property is part of a POS subject to the zoning by-law and the subdivision regulations of the Town of Chelmsford. The purchaser and subsequent owners of the property are subject to the requirements therein contained. The purchaser shall be required to be a member of a homeowners association, shall be subject to rules and regulations of said association and shall be liable for any applicable assessment made by or against said association. The ultimate liability for the open space falls on the individual lot owner.

The purchase and sale agreement shall further contain a statement by the seller that the purchaser has been provided with a copy of the documents pertinent to the POS and a prospectus which shall summarize in layman's language of the information contained therein.

4670. Decision. The Planning Board shall not approve a POS development in an established single-family neighborhood where, in their determination, such land use will be inconsistent with or will have a detrimental effect upon the surrounding property. If the Planning Board denies a POS based on this section they shall identify this as the reason for denial.

4671. Approval under this Section 4600 does not relieve the applicant from conformance with the Subdivision Control Law. No part of the construction of a POS shall begin until the plan of such development has been granted final approval by the Planning Board in accordance with the subdivision regulations. The developer shall submit with the request for a POS an alternate plan(s) for developing the site as a conventional subdivision at the presubmission review and preliminary plan stages of the subdivision process which shall adhere to all subdivision requirements. The Planning Board may establish additional rules and regulations to govern the POS and the filing of additional material or information.

D. deleting existing Article V regarding definitions and substituting therefor a new Article VI. These changes add definitions for previously undefined terms and clarify other definitions.

Article VI. Definitions.

In this by-law, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the by-law. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word

"and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this by-law.

Accessory building: A subordinate building located on the same lot as the main, or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building or use of the land.

Adult day care facility: A building or structure where care, protection, and supervision are provided, on a regular schedule, to adults over the age of 18.

Adult entertainment establishments: Shall include and be defined as follows:

> Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, computer compact disks, computer disks or diskettes, or coin-operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "sexual conduct" as that term is defined in Chapter 272, section 31 G.L., "sexual devices" or an establishment having for sale sexual devices which shall mean any artificial human penis, vagina or anus or other device primarily designed promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations or an establishment with a segment or section devoted to the sale or display of such materials.
>
> Adult live entertainment establishments: Establishments which feature live entertainment which consists of entertainers engaging in "sexual conduct" or "nudity" as defined in Chapter 272, section 31, G.L.
>
> Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating 'sexual conduct" as defined in Chapter 272, section 31, G.L., for observation by patrons therein.

Adult mini motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to 'sexual conduct" as defined in Chapter 272, section 31, G.L., for observation by patrons therein.

Substantial or significant portion shall mean at least that portion of:

(i) retail sales accounting for at least twenty-five percent of gross sales; or

(ii) merchandise accounting for at least twenty-five percent of total merchandise available for sales; or

(iii) shelf space and display space which when combined is in excess of eighty (80) square feet.

Agricultural use, nonexempt: Agricultural use of property not exempted by G.L. c. 40A, s. 3.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

Alzheimer's facility: A facility providing treatment and communal lodging for more than four (4) unrelated persons who have been diagnosed by a medical doctor as having Alzheimer's disease, but who do not require the skilled nursing care typically provided by a nursing home.

Animal clinic or hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

Animal kennel or hospital: Premises used for the harboring and/or care of more than three (3) dogs or other domestic, non-farm animals (three months old or over). Use shall be so classified regardless of the purpose for which the animals are maintained, whether fees are charged or not, and whether the use is a principal or accessory one.

Assisted living facility: A facility providing private multifamily dwellings or communal lodging for more than four (4) unrelated persons requiring assistance with the activities of daily living, such as aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks, as defined by G.L. c. 19D, s. 1.

Barn sale, garage sale, yard sale or flea market: Temporary use of residential, institutional, or industrial premises for sale of personal property.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to more than four (4) boarders. Where four (4) or more unrelated individuals rent a dwelling, it shall be considered a boarding house.

Building: A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building height: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street, the height shall be measured from the average of the grade at the center line of each street front. Not included are spires, cupolas, antennae, or similar parts of structures that do not enclose potentially habitable floor space.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business or professional office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, which is primarily used for recreational purposes and retains on open air or natural character.

Child Care Facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

Commercial recreation, indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theaters, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

Commercial recreation, outdoor: Drive-in theater, golf course/driving range, miniature golf, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-Law.

Congregate living facility: A facility providing communal lodging for more than four (4) unrelated elders in a non-institutional residential shared living environment which integrates shelter and services needed by the functionally impaired or socially isolated elder who does not require the constant supervision or intensive health care services as provided in a nursing home. The shared living environment shall include at least the following: (a) shared kitchen facilities; and (b) shared dining facilities. Each bedroom shall be considered one (1) unit.

Club or lodge: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social,

civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Contractor's yard: Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families.

Earth removal: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

Educational use, nonexempt: Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water or sewer transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

Facilitated living facility: Shall include assisted, Alzheimer's and congregate living facilities.

Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Family day care home: Any private residence which on a regular basis receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs. Provided, however, in either case, that the total number of children shall not exceed more than six (6), excluding participating children living in the residence.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by G.L. c. 40A, s. 3.

Floor area, gross: The sum of the horizontal areas of the floors of a building or several buildings on the same lot measured from the exterior face of exterior walls, or from the centerline of the wall separating two buildings, not including any space where the floor to ceiling height is less than seven feet three inches.

Floor area, net: the aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot, measured from the exterior faces of the walls enclosing each building; and exclusive of the cellars and attic areas used only for storage, bathrooms, stairwells, elevators, mechanical rooms, or areas for service incidental to the operation or maintenance of the building.

Floor area ratio: The ratio of the gross floor area of the building or buildings on one lot to the total area of the lot.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Group residence: A facility licensed by the Commonwealth of Massachusetts serving not more than twenty-five (25) persons.

Granite operations: The removal and processing of granite for construction use, not including stone crushing.

Hazardous material: Any substance which is listed in, but not limited to, the EPA priority pollutants as described in section 307(a) of the Clean Water Act, as amended.

Home occupation: An occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof.

Impervious: Any area impenetrable by surface water.

Independent living facility: A facility providing an independent, age restricted dwelling for a retired or senior individual or couple. In addition to bed space, such facilities would ordinarily include private toilet, bath, food preparation facilities and a private dining area.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard or automobile graveyard: The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

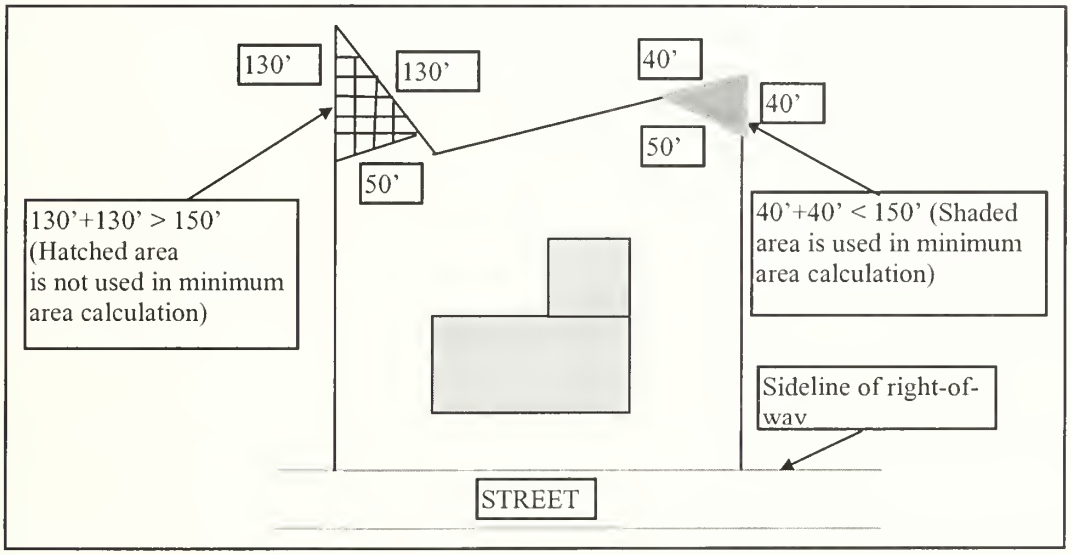
Kennel: An establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold located on at least five (5) acres of land.

Light manufacturing: Fabrication, assembly, processing, finishing work or packaging.

Lot: A continuous parcel of land with legally definable boundaries.

Lot area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L, as amended. When the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than one hundred fifty (150) feet. See accompanying diagram, below.

Figure 1: Minimum lot area



Lot, corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces.

Lot, depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot line: A line dividing one lot from another, or from a street or any public place.

Lot, width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Major Recreational Equipment: Campers, trailers or other recreational vehicles.

Massage service establishments: (i) Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aide of any mechanical or electric apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniment antiseptics, oils, powders, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor; (ii) The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions: (a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts; (b) Nurses who are registered under the laws of the Commonwealth of Massachusetts; (c) Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes; (d) Massage therapists who are duly permitted to practice under the Rules and Regulations of the Chelmsford Board of Health.

Medical center or clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mobile home: A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Motel or hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Motor vehicle, body repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage vehicles for the cannibalization of parts.

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Motor vehicle, general repairs: Premises for the servicing and repair of autos, but not to include fuel sales.

Motor vehicle, light service: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Municipal facilities: Facilities owned or operated by the Town of Chelmsford.

Nonfamily accommodations: Boarding houses, lodging houses, guest houses, tourist homes, dormitories, half-way houses, or similar accommodations. Accommodations shall be considered hotels or motels if having a sign in excess of two (2) square feet or other departure from residential character; or, if having specified term of residence less than one (1) week. Accommodations individually having a stove and either or both a refrigerator and a sink shall be considered dwelling units.

Nursery school: A school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age inclusive and operated on a regular basis.

Nursing or convalescent home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Open lot storage: Outdoor storage of bulk goods and products for distribution but not for sale on the premises.

Open space, landscaped: That part or parts of a lot designed and developed with trees, plants, shrubs, flowers, grass, groundcover, and other landscape features, including natural features of the site, walks, terraces, and open areas otherwise free of any structures or pavement. Such landscaped open space as is provided shall be maintained by the owner throughout the duration of his or her tenure.

Parking garage: A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

Recharge area: An area of geologic deposits through which water from the surface can infiltrate through the soil to the groundwater. These geologic deposits generally consist of stratified sand and gravels.

Refuse incinerator: An engineered apparatus with grate area in excess of ten (10) square feet used to burn waste and in which all combustion factors, temperature, retention time, turbulence and combustion can be controlled which is approved by the Massachusetts Department of Public Health and the Chelmsford Board of Health.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in

landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast food establishments."

Restaurant, fast-food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

Retail: A facility selling goods but not specifically listed in 2230, the Table of Use Regulations.

Riding academy: An establishment where horses are kept for sale, riding, driving, or stabling, for compensation or incidental to the operation of a club, association, or similar establishment.

Salvage yard: Property where motor vehicles are junked, dismantled or stored for later dismantling or distribution.

Sanitary landfill: A site for solid waste disposal approved by the Massachusetts Department of Public Health and the Chelmsford Board of Health. Disposal of raw sewage and similar waste items are not permitted.

Senior or Elder: An individual who is 60 years of age or over.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows that are internally illuminated or decorated with gaseous tube or other lights are considered "signs." The following, however, shall not be considered signs within the context of this by-law:

(a) Flags and insignia of any government except when displayed in connection with commercial promotion.
(b) Legal notices, or informational devices erected or required by public agencies.
(c) Temporary devices erected for a charitable or religious cause, provided they are removed within seven (7) days of erection.
(d) Temporary displays inside windows, covering not more [than] thirty (30) percent of window area, illuminated by building illumination only.
(e) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
(f) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.
(g) Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.
(h) Address identification through numerals or letters not exceeding three (3) inches in height.

Sign area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other

irregularities. Structural members not bearing advertising matters hall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

Solid waste disposal facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Chelmsford for processing, handling, treating, and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items, and sludges but not raw sewage, and similar waste items.

Street: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like.

Temporary structure: A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the intensity schedule of section 2300 and shall receive a permit from the Building Inspector.

Toxic materials: A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, and assimilation into any organism can cause death, disease, mutations, deficiencies, or malfunctions in such organisms or their offspring.

Transport terminal: Terminal facilities for handling freight with or without maintenance facilities.

Warehouse: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Wireless communications facility: Monopoles, satellite dish(es) over three (3) feet in diameter, antennas, and accessory structures which facilitate the provision of wireless communication service.

Wireless communication service: The provision of cellular telephone service, personal communication service and enhanced mobile radio service.

Wood operation: Forests, wood lots, portable woodworking mills and machinery located on the property for use in connection with the forest and wood lot operations of the owner only, with products stored not within one hundred (100) feet of the street line.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, front: A yard extending the full width of the lot and situated between the street line and the nearest point of the building.

Yard, rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot.

Yard, side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

UNDER ARTICLE 25. Dwight Hayward moved that the reading of the article be waived. **Motion carried, unanimously.** Susan Carter went over the purpose of the article. She explained that the changes addressed in this article extensively revised in order to meet the Master Plan Goals. Erosion measures and improved parking lot landscaping and buffer requirements have been improved. George Merrill questioned the use of the word Building Commissioner instead of Building Inspector. Andrew Sheehan explained that this was wording advised by the Committee's consultant Mark Bobrowski. The Moderator asked for the various recommendations. The Finance Committee had no recommendation. The Board of Selectmen recommended the article. Susan Carter said that the Planning Board recommended the article as stated under article 22. The Moderator asked for a vote by way of a show of hands, he declared the **motion carried, by recognizing the 2/3's vote by-law.**

The article reads as follows:

Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the Chelmsford Zoning Bylaw by:

A. deleting existing Section 3200 regarding environmental protection standards and substituting therefor a new Section 3400, which is similar to the existing section and adds a new section related to erosion control;

3400. ENVIRONMENTAL PROTECTION STANDARDS.

3410. General. No activity shall be permitted in any district unless it shall be in conformity with the standards for environmental protection included herein. The Inspector of Buildings may require an applicant for a building or occupancy permit to supply, at his expense, such technical evidence as is necessary in support of the application, and may, in connection therewith, and at the applicant's expense, obtain expert advice as necessary to review the plans and proposals of the applicant. Payment of such expert advice to the Inspector of Buildings shall be made, or guaranteed by bond or other legally binding device, before further consideration of the application shall continue. After a permit is issued in accordance with this section, continuing

compliance is required. When the Inspector of Buildings suspects a subsequent violation he may, as necessary obtain expert advice, which if the violation is established, shall be paid for by the violator, otherwise, by the town.

3420. Standards. The following standards are hereby established.

3421. Water quality. No discharge at any point into any public sewer, private sewerage disposal system, stream, water body, or into the ground, of any materials of such nature or temperature as can contaminate such water body or water supply, or cause emission of dangerous or offensive elements in reaction thereto, shall be permitted except in accordance with applicable federal, state, and local health and water pollution control laws and regulations.

3422. Air quality. No building or occupancy permit shall be issued for any facility specified in Regulation 2.3, "Regulations as Amended for The Control of Air Pollution in the Merrimack Valley Air Pollution District," Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control, until written approval for the facility has been obtained from the Department of Public Health. The provisions of said regulations shall apply to dust, flash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof in the ambient air space.

3423. Noise. No use shall be permitted within the Town of Chelmsford which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. Exempt from the provisions of this subsection are (a) vehicles not controlled by an owner or occupant of a lot within the town, (b) temporary construction activities occurring during the hours of 7 a.m. to 6 p.m. on weekdays, (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity, (d) use of power tools and equipment such as lawn mowers, snow-blowers, chain saws, tractors, and similar equipment for the maintenance of property. For the purposes of this by-law the standards in the Noise Table shall apply:

NOISE TABLE

FOR SOUNDS GENERATED CONTINUOUSLY FROM ANY SOURCE NOT OTHERWISE EXEMPTED ABOVE, AND MEASURED:	MAXIMUM PERMITTED SOUND LEVELS (IN DBA): (dBA shall mean the A-weighted sound pressure levels in decibels, as measured by a general purpose sound level meter complying with the provision of "American National Standards Institute." The instrument shall be properly calibrated and set to the A-weighted response scale, and the meter set to the slow response. Reference pressure shall be 0.0002 microbars.)
At the lot line of an adjacent or nearby residence or institutional use, weekdays during the hours of 7 a.m. to 6 p.m.	60
At the lot line of an adjacent or nearby residence or institutional use, Sundays or during the hours of 6 p.m. to 7 a.m. weekdays	50
At the lot line of an adjacent business use	65
At the lot line of an adjacent industrial use	70

a. Exceptions for intermittent noise. The levels (dBA) specified in the Noise Table may be exceeded by ten (10) dBA, weekdays during the hours of 7 a.m. to 6 p.m., but not at any other time, for a period not to exceed twenty (20) minutes during any one (1) day.

b. Impact noise. Impact noise such as from a punch press, drop forge hammer, or similar equipment, shall be measured using the fast response of the sound level meter, and shall not exceed the levels specified in the Noise Table by more than ten (10) dBA.

3424. Solid waste storage. Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with subsection 3542 of this by-law. Screening materials will not be attached to any structure.

3425. No vibration, odor, glare, or flashing shall be detectable without instruments at any lot line of a residential or institutional use.

3426. Cinders, dust, fumes, gases, odors, smoke, radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations.

3427. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line voltage off the premises.

3428. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate fire fighting and fire suppression equipment standard in this industry. Burning of waste materials in the open contrary to state law is prohibited.

3429. All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers.

3430. Erosion Control. Site design, materials, and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff by conformance with the following:

3431. Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area, or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

3432. All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber, or other acceptable means.

3433. No area or areas totaling 2 acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided, and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary

cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

3434. The Building Commissioner may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

3435. In granting a special permit hereunder, the Planning Board may require a performance bond to ensure compliance with the requirements of this Section.

3436. Hillside areas, except naturally occurring ledge or bedrock outcroppings or ledge cuts, shall be retained with vegetative cover or appropriate stabilization.

B. deleting Section 3420 regarding screening and substituting therefor a new Section 3500 related to landscaping for non-residential uses.

3500. GENERAL LANDSCAPING REQUIREMENTS.

3510. Purpose. This Section 3500 is designed to accomplish the following objectives:

3511. To provide a suitable boundary or buffer between residential uses and districts and nearby nonresidential uses;

3512. To define the street edge and provide visual connection between nonresidential uses of different architectural styles;

3513. To separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;

3514. To provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas;

3515. To preserve or improve the visual and environmental character of Chelmsford, as generally viewed from residential or publicly accessible locations; and

3516. To offer property owners protection against diminution of property values due to adjacent nonresidential use.

3520. Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings. The requirements set forth in Section 3500 may be reduced by special permit issued by the Planning Board upon a finding that such reduction will not detract from the objectives of this Section 3500.

3530. Landscaping Requirements for Property Lines.

3531. Property line(s) with residential uses or districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or paved space intended for or used as a parking area may be located within the buffer area. Planted buffer areas along property lines with residential districts or uses shall be of the following minimum depth in each district:

DISTRICT	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Distance in ft.	20	20	30	50	50	50	50	30	30	30	10

3540. Landscaping Requirements for Parking Areas.

3541. Parking areas with more than 10 spaces shall contain 150 square feet of planted area for every 1000 square feet of pavement related to parking spaces and aisles. Such planted areas shall be appropriately situated within the parking area and contain an appropriate mix of shade trees and other plants.

3542. Parking lots, loading areas, storage areas, refuse storage and disposal areas, and service areas shall be screened from view, to the extent feasible, from all public ways, and from adjacent properties, by the use of planted areas, berms, natural contours, fences or a combination of the above.

3543. Buffer strips between parking lots and rear or side lot lines shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11-24	10 feet plus one foot for each space in excess of 10 spaces
25 or more	25 feet

3550. Landscaping Requirements for Street Frontage of Nonresidential Uses. A landscaped buffer area, except for approved access ways, at least twenty feet in width as measured from the layout of the roadway providing frontage, shall be established. The buffer area shall be planted with grass, medium height shrubs, and shade trees. Shade trees shall be planted at least every 35 feet along the road frontage.

3560. Planted Area Requirements. Planted Areas shall contain an appropriate mix of the following types of plants. Plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

3561. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting, and have a spread of at least 18 inches.

3562. Grass is preferable to mulch where practical.

3563. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

3564. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting.

3570. Coordination with Site Plan Approval. The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section 3500.

3580. Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthy condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and nonplant ground surface materials shall be maintained so as to control weed growth.

UNDER ARTICLE 26. Dwight Hayward moved that the reading of the article be waived. **Motion carried.** Susan Carter, Chairman of the Planning Board explained the article. In the future land area will be more valuable then the actual home that is built upon it. If an older home is demolished or a cape is expanded beyound 4,000 square feet of habital space , then a site plan review will be needed. The would allow abutters to address any issues. The Planning Board has been having a lot of two lot subdivisions come before them. Due to the cost of road construction which runs $250.00 per linea foot, a developer needs two built two homes to pay for the road cost. The Board felt that by allowing the development of a rear lot by way of a special permit, will allow a contractor to cut down on road construction and only one house will be built.

Andrew Sheehan explained that a new district had been added to the Aquifer Protection District map.The Moderator asked for the various recommendations. The Finance Committee had no recommendation. The Board of Selectmen recommended the article. Susan Carter said that the Planning Board recommended the article as stated under article 22. The Moderator asked for a vote by way of a show of hands, he declared the **motion carried, by recognizing the 2/3's vote by-law.**

The article reads as follows:

Robert Morse of the Master Plan By-Law Review Committee moved that the Town vote to amend the Chelmsford Zoning Bylaw by:

A. inserting a new Section 5414 regarding site plan review for certain single family dwellings;

5414. Construction or exterior expansion of a single or two family structure that will result in habitable space of more than 4000 square feet on a lot which held a single or two family structure within the past two years. Construction which does not increase the floor area shall not be subject to the provisions of this section.

B. inserting a new Section 2370 regarding the creation of rear lots;

2370. Rear Lots. Rear lots shall be allowed only in the RA and RB Districts by special permit issued by the Planning Board. Individual lots need not have the required amount of street frontage, provided that all of the following conditions can be met for each individual lot lacking such frontage:

2371. The area of said lot is at least 80,000 square feet.

2372. The front, rear, and side yards shall be at least 40 feet.

2373. A building line is designated on the plan, and the width of the lot at that line equals or exceeds 125 feet.

2374. Lot width is at no point less than 50 feet, and lot frontage is not less than 50 feet. No section of the lot with a width of less than 100 feet shall be used to compute the minimum lot area set forth above.

2375. Not more than one (1) rear lot shall be created from a property, or a set of contiguous properties held in common ownership as of [date of town meeting]. In order to be eligible for a rear lot, such property or set of contiguous properties held in common ownership as of [date of town meeting] shall not have been divided after such date. No further division of said property or properties shall be permitted after the creation of a rear lot. Documentation to this effect shall be submitted to the Building Inspector. The Building Inspector shall not issue a building permit for any rear lot without first

establishing that compliance with this provision has been determined by the Planning Board.

2376. At the time of the creation of the rear lot, it shall be held in common and contiguous ownership with the front lot.

2377. There shall be a turnaround at the house site suitable for an SU30 vehicle. There shall be a pullout on the access driveway every 250 feet.

C. amending Section 4230 regarding the aquifer protection district map by deleting reference to the map entitled "Aquifer Protection District Town of Chelmsford, dated October 1997" and substituting therefor a new map entitled "Aquifer Protection District, August 1998". This change would amend the aquifer protection district to include the recharge area for the proposed Chelmsford Water District well located at Barnes Terrace.

Seeing that there was no further business at hand the Moderator declared the meeting over and moved to adjourn. He asked for a show of hands, **motion carried, unanimously.** The meeting adjourned at 9:40 PM

Dennis E. McHugh, Moderator

Mary E. St.Hilaire, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

MIDDLESEX

To the Constable of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at:

Precinct 1	South Row Elementary School Cafeteria, 250 Boston Road
Precinct 2	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4	Westlands Elementary School Cafetorium, 170 Dalton Road
Precinct 5	Byam School Elementary Cafetorium, 25 Maple Road
Precinct 6	Westlands Elementary School Cafetorium, 170 Dalton Road
Precinct 7	McCarthy Middle School Small Gymnasium, 250 North Road
Precinct 8	McCarthy Middle School Small Gymnasium, 250 North Road
Precinct 9	South Row Elementary School Cafeteria, 250 Boston Road

On **TUESDAY, THE THIRD DAY OF NOVEMBER, 1998** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates of political parties for the following offices:

GOVERNOR AND LT. GOVERNOR	**FOR THE COMMONWEALTH**
ATTORNEY GENERAL	" " "
SECRETARY	" " "
TREASURER	" " "
AUDITOR	" " "
REPRESENTATIVE IN CONGRESS	**5TH Congressional District**
COUNCILLOR	**3RD Councillor District**
SENATOR IN GENERAL COURT	**5TH Middlesex Senatorial District**
REPRESENTATIVE IN GENERAL COURT	**16TH Middlesex Representative District**
DISTRICT ATTORNEY	**Northern District**
SHERIFF	**Middlesex County**

QUESTIONS

#1. Setting Compensation of State Legislators
#2. Public Campaign Financing
#3. Tax Rate on Interest and Dividend Income
#4. Electric Utility Industry Restructuring

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting:

Given under our hands this 6th day of October 1998.

William F. Dalton, Chairman

Stuart G. Weisfeldt, Vice Chairman

Phillip M. Eliopoulos, Clerk

Thomas E. Moran

Michael F. McCall

CHELMSFORD BOARD OF SELECTMEN

TOWN OF CHELMSFORD
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX DATE: October 9, 1998

Pursuant to the within Primary Election Warrant, I have notified and warned the inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit:

South Row Cafeteria, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, and South Row School Cafeteria.

Signed William E. Spence
William E. Spence, Constable

A True Copy Attest, William E. Spence
William E. Spence, Constable

STATE ELECTION NOVEMBER 3, 1998

*candidate for re-election

*adj 11/13/98 over seas vote

	Prec 1	Prec 2*	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
GOVERNOR & LT. GOVERNOR										
Blanks	47	18	20	13	26	23	23	22	17	209
Cellucci & Swift	831	652	863	756	874	910	978	833	910	7607
Harshbarger & Tolman	531	424	564	507	547	647	567	537	532	4856
Cook & Israel	29	25	21	17	28	21	11	29	34	215
Write-In	0	1	3	0	6	4	2	0	5	21
Misc	4	1	0	0	0	1	0	0	0	6
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
ATTORNEY GENERAL										
Blanks	77	51	68	55	84	63	58	66	65	587
Brad Bailey	542	396	507	483	538	544	619	552	609	4790
Thomas F. Reilly	822	672	896	755	856	997	904	800	823	7525
Write-In	0	2	0	0	3	1	0	1	1	8
Misc	1	0	0	0	0	1	0	2	0	4
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
SECRETARY OF STATE										
Blanks	111	81	113	92	120	116	106	101	108	948
William Francis Galvin*	841	715	918	782	887	997	910	834	858	7742
Dale C. Jenkins, Jr	411	260	371	347	406	410	507	426	465	3603
David L. Atkinson	79	64	69	71	67	82	58	57	66	613
Write-In	0	1	0	0	1	1	0	1	0	4
Misc	0	0	0	1	0	0	0	2	1	4
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
TREASURER										
Blanks	128	75	131	100	140	125	138	105	121	1063
Bob Maginn	613	417	545	502	612	640	699	609	647	5284
Shannon P. O'Brien	649	596	750	652	680	795	707	667	680	6176
Merton B. Baker	52	32	45	38	48	44	36	40	49	384
Write-In	0	1	0	0	1	2	0	0	1	5
Misc	0	0	0	1	0	0	1	0	0	2
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
AUDITOR										
Blanks	135	92	131	88	134	129	129	122	117	1077
A. Joseph DeNucci*	750	627	808	721	750	879	801	721	753	6810
Michael T. Duffy	461	327	447	385	509	506	579	487	525	4226
Carla A. Howell	94	75	85	97	87	91	71	90	102	792
Write-In	1	0	0	0	1	1	0	0	0	3
Misc	1	0	0	2	0	0	1	1	1	6
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REPRESENTATIVE CONGRESS -5th										
Blanks	65	37	52	40	42	54	46	53	49	438
Martin T. Meehan*	982	833	1039	909	1066	1148	1097	988	990	9052
David E. Coleman	392	251	380	344	371	402	437	379	456	3412
Write-In	0	0	0	0	2	0	1	0	2	5
Misc	3	0	0	0	0	2	0	1	1	7
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
COUNCILLOR - 3rd District										
Blanks	267	183	289	213	298	282	326	251	267	2376
John Henry DeJong	573	386	481	457	544	576	632	537	588	4774
Marilyn Petitto Devaney	599	551	701	621	635	745	623	631	641	5747
Write-In	2	1	0	0	2	1	0	1	1	8
Misc	1	0	0	2	2	2	0	1	1	9
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
SENATOR GENERAL COURT-5th Mldsx										
Blanks	75	52	89	69	67	80	72	65	65	634
Susan C. Fargo*	783	669	846	740	822	926	848	815	799	7248
Thomas F. Healy	583	399	535	483	590	599	661	540	632	5022
Write-In	0	0	1	0	1	1	0	0	0	3
Misc	1	1	0	1	1	0	0	1	2	7
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
REPRESENTATIVE IN GENERAL COURT-16th Mldsx										
Blanks	47	24	34	36	45	40	34	34	32	326
Carol C. Cleven*	738	502	713	585	798	808	1007	790	825	6766
William F. Dalton	655	592	722	672	638	752	539	596	638	5804
Write-In	0	3	2	0	0	4	0	0	3	12
Misc	2	0	0	0	0	2	1	1	0	6
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
DISTRICT ATTORNEY - Northern Dist										
Blanks	147	88	147	112	153	146	126	132	140	1191
Martha Coakley	797	710	875	796	855	987	875	840	819	7554
Lee Johnson	497	322	448	383	471	471	580	448	538	4158
Write-In	0	1	1	0	2	2	0	1	0	7
Misc	1	0	0	2	0	0	0	0	1	4
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
SHERIFF - Middlesex County										
Blanks	487	312	410	371	474	463	524	450	512	4003
James V. DiPaola*	935	802	1051	912	994	1122	1047	958	971	8792
Write-In	6	7	6	0	9	11	8	7	9	63
Misc	14	0	4	10	4	10	2	6	6	56
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
QUESTION 1										
Blanks	116	77	97	77	83	115	79	93	78	815
Yes	895	751	936	795	983	1021	1025	930	953	8289
No	431	293	438	421	415	470	477	398	467	3810
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
QUESTION 2										
Blanks	110	71	87	75	90	104	100	85	78	800
Yes	816	671	859	729	922	956	898	857	847	7555
No	516	379	525	489	469	546	583	479	573	4559
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
QUESTION 3										
Blanks	84	75	82	79	86	90	81	70	70	717
Yes	1166	883	1178	985	1220	1296	1344	1191	1245	10508
No	192	163	211	229	175	220	156	160	183	1689
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914
QUESTION 4										
Blanks	61	43	63	52	51	55	62	50	40	477
Yes	997	797	1062	888	1068	1164	1140	1011	1012	9139
No	384	281	346	353	362	387	379	360	446	3298
TOTAL	1442	1121	1471	1293	1481	1606	1581	1421	1498	12914

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